

**Engagement**

**Inquiry  
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**PROBLEM-BASED LEARNING  
IN THE SOCIAL SCIENCES**

**Excluded!**

Chinese Immigration to the United States

**NAGC Curriculum Award-Winner**

**Teacher Manual**

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# Problem Narrative: The Storyline of *Excluded!*

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*Ideally, the direction of a Problem-Based Learning unit is decided through the questions students ask. To some extent, this is made manageable by the structure of the opening scenario presented during Problem Engagement. The opening scenario is carefully designed to point students in the direction of some predictable questions. For example, it would be hard to avoid asking questions about why so many Chinese immigrated to America in the late 1800s or why American citizens grew so prejudicial against them. The narrative below and the lesson plans in this unit respond to these more predictable questions and address other desirable learning outcomes. They also provide a helpful guide for teachers new to PBL.*

*Experienced PBL teachers are encouraged to use this unit as a framework, selecting lessons that fit the students' questions (and, as above, many should fit) and adding other lessons to address other questions. It would be easy, for instance, to integrate discussion of how countries should approach establishing immigration laws and requirements for citizenship, or to increase emphasis on racism or poor working conditions.*

## **Problem Engagement**

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During Problem Engagement, students are introduced to the situation they will be exploring during the unit. As the problem opens, students take on the role of Congressmen and -women from California in 1892. A memo crosses their desk, asking for their final comment on a bill that is about to be submitted for debate. The bill gives a rough outline of the Geary Act, the law that updated and extended the 1882 Chinese Exclusion Act. Specifically, the bill proposes to:

- deport any Chinese person who breaks the law
- sentence Chinese law-breakers to hard labor and deportation
- deny citizenship to all Chinese persons
- deny all Chinese who have previously committed a misdemeanor crime access to the U.S. mainland
- deport all Chinese who are in the U.S. unlawfully
- require all Chinese laborers to carry a “certificate of residence” (in this problem, the certificate is presented as a possible point of revision)

The unusual harshness of the proposal leads students to investigate the varied dimensions of Chinese immigration, including the reasons why the Chinese want to come to America and the reasons why the American government is excluding Chinese immigrants. With this controversial document in hand, students complete the Learning Issues Board. Questions that should emerge include:

- Why do we need this law?
- Where is this a problem?
- What is the crime rate among Chinese-Americans and Chinese immigrants?
- How many Chinese have immigrated to the U.S.?
- Why does the law focus on the Chinese and not other groups?
- What are the current immigration laws?
- What other restrictions are placed on immigration?
- Who else gets evicted from America? Why?
- Is this Constitutional?

Students are also led to ask questions about the Chinese Exclusion Act, the Geary Act, and other pieces of immigration legislation during this time period. As students move deeper into their investigation, they discover the complex social, political, and economic factors that influence government policy.

*Note: Another question students might raise is: Is this a non-problem? After all, who would accept this kind of prejudicial legislation? If this happens, raise questions that help students understand the problem in terms of some underlying issues, including: (1) they, as California Congressmen and -women, are caught in a wave of public opinion that may affect their decisions, regardless of their philosophical viewpoint, and (2) there is a legitimate need for finding some means of restricting immigration, and the decisions of how to restrict legislation present copious problems.*

## **Inquiry and Investigation**

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Research into the questions listed on the Learning Issues Board will help fill in the students' background on the evolution of the Geary Act. Over the course of the next few days, students should use whatever resources are available, including materials from the Resource Book, library research, videos, telephone or email mentors, and/or guest speakers to find answers to their questions. Particularly important data students will learn include:

- the rate of Chinese immigration, with the Chinese being the fastest-growing group in California
- the cause of Chinese immigration—severe economic depression in China
- the active recruitment of Chinese immigrants to the U.S. for the purpose of working in mines and railroads
- the severe conditions under which the Chinese worked in America
- prior laws that first established Chinese exclusion, first in California and then throughout the U.S. (the California “police tax” and the Foreign Miner’s tax, U.S./China Burlingame-Seward Treaty of 1868 establishing the right of citizens to emigrate, 1879 U.S./China treaty giving the U.S. the right to restrict immigration, 1882 first Chinese Exclusion Act, 1889 *Chae Chan Ping v. U.S.* upholding the constitutionality of the Chinese Exclusion Act)
- the evolution of a change in attitudes toward the Chinese from being welcome laborers to unwelcome scourges, primarily based on the onset of economic depression in California
- the lack of regulation of immigration during this time period (prior to establishing Ellis Island as the port of entry and the associated rules restricting the immigration of certain people, such as those who were physically and mentally ill, felons, etc.)
- the 14th Amendment, which states that once a person has acquired citizenship, he or she is entitled to all of the rights and privileges of a citizen (cannot be denied certain privileges)
- the presence of a charismatic leader (Kearney) using his “bully pulpit” to raise public resentment toward Chinese immigrants

Lessons in this section are designed to help students organize and analyze the information they gather during research. The force field is a graphic organizer that can be introduced at any point during the research process to help students look at the relative importance of different issues as they emerge. A lesson using icons representing individuals, groups, and institutions helps the students see the big ideas that are at the heart of the problem. Thinking conceptually is one of the hallmarks of a good thinker, making this a particularly important lesson.

The lessons may be used in almost any order—the order presented here does not represent the “proper” approach, but just one option. Even though the activities are divided into lessons, some of them could be integrated into a single scheduled class. For instance, the force field could be introduced during a period devoted to research.

## Kickers (see Appendix A)

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Two optional kickers are included in Appendix A. The first is designed to force students to consider why the bill came into being, simultaneously reminding them that it is their own constituents who are most likely to support the concept of Chinese exclusion. Learning Issues questions that should emerge from this new part of the scenario include:

- How many (influential) Californians support this idea?
- How many Chinese are in California?
- What problems might be caused by a concentration of Chinese immigrants in California?

Key issues that should emerge from this area of research include:

- the illegal immigration of “less favorable” Chinese citizens, including prostitutes and Tong warlords
- the emergence of opium dens in areas with high Chinese populations, but also high concentrations of poverty
- the high number of gambling houses in Chinese residence areas (Barbary Coast)

The second optional kicker presents the opposite case—that of an impoverished Chinese-American whose immigrant mother is about to be sent back to China. He pleads her case, stating that she would not be able to support herself on her own if she were denied permission to stay in the United States.

Key issues that should emerge from this area of research include:

- the positive work ethic of the majority of Chinese immigrants
- the positive lifestyles of many Chinese immigrants
- similarities and differences between Chinese immigrants and other immigrant groups, especially the Irish and Italians
- the status and living conditions of Chinese immigrants in the United States
- the number of non-citizen Chinese immigrants and the number of Chinese-Americans
- the political and economic conditions facing the Chinese immigrants who are returned to China

Students will learn that although there were many immigrant groups coming to the U.S. in the late 1800s, the Chinese received particularly hostile attention. German, Irish, and Italian immigrants were not well-liked but were not subject to the same intense persecution as the Chinese. Interestingly, the group to whom Chinese immigrants were most often compared (especially in the political cartoons from *Harper's Weekly*) were African-Americans—a group of already-naturalized citizens. This provides the opportunity to point out that Chinese immigrants and African-Americans were ostracized not simply because they were different, but because they were *conspicuously* different.

Key questions to address during this phase of the problem include:

- Under what conditions is it legitimate to limit immigration?
- On what basis should people be denied access to the U.S.?
- Under what conditions should people lose access?
- What other options exist for areas overburdened by immigrants?
- What constitutes an unreasonable imposition on current citizens by new immigrants?

Key conceptual questions include:

- When does one group have the right to exclude another?
- How does the status of various groups affect their influence in a decision of exclusion or inclusion?
- When is it ethically correct to exclude a group? When the group to be excluded is behaving badly? What kind/degree of bad behavior? When the group that wants to exclude suffers hardship? What kind/degree of hardship?

## Problem Definition

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Eventually, students must come to a concrete definition of the problem in order to start working on a resolution. Problem Definition is an important stage, for the definition provides direction for the kind of solution the students will build.

Students narrow the range of important issues they need to consider as they work toward a specific definition of their problem. Some of the key conflicts that should emerge from the force field are:

- the rights of current citizens versus the rights of immigrants
- the fact that Chinese were recruited to America versus the overburdening of California
- the need to limit the flow of immigrants versus the need to stay as open as possible
- the similarities and differences between Chinese and other immigrant groups

Students should create a definition that contains both the issues to be resolved and the constraints that put limitations on their actions. The final definition should take the form:

*How can we (issue) in a way that (constraints)?*

Example:

*How can we create reasonable limitations on immigration in a way that will be consistent with American dedication to free access, does not impose unfairly on any racial or cultural group, and satisfies our constituents?*

## Problem Resolution

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Students are provided with a structure to analyze the different options facing them as legislators with an unpleasant and messy policy issue to resolve. More research may be required as students try to figure out what to do to solve the problem, particularly research into immigration regulations that existed prior to 1890. Options students might want to consider as they craft their final text are: (1) limiting the number of immigrants from all countries, (2) limiting immigration for a specific time period, and (3) limiting immigrants based on other characteristics (health, character, etc.). As students consider the short- and long-term consequences of their different options, they will come to realize that there is no perfect solution. Rather, their decision will have to involve selecting the criteria that they think are most important and choosing the option that best meets those criteria.

## Problem Debriefing

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After the students have completed the problem and presented their resolution, it is time to debrief them both on the content of the problem and on their thinking process. Debriefing can take a variety of forms; several are suggested for this lesson. Regardless of the approach, particular emphasis should be placed on the political pressures facing California legislators at that time, as well as the idea that a position that we consider completely intolerable today was not unacceptable in the political and philosophical climate of the 1890s. Parallels with the current political and philosophical climate regarding Cuban and Mexican immigrants are particularly germane.

Discussion of process should focus on the thinking skills and habits of mind that were the emphasis of this unit: perspective taking, attention to consequences, and intellectual empathy. The nature of ill-structured problems, their real-world basis, frustrations encountered when working with them, and comparisons with well-structured problems are all fruitful topics of conversation.

Finally, take the opportunity to strengthen the students' conceptual understanding of the problem by describing it in terms of the individuals, groups, and institutions involved.

# Problem Engagement

## Welcome to Congress

### Goals:

- Introduce students to the problem.
- Identify important questions.
- Develop issues on the Learning Issues Board.
- Prioritize learning issues, and identify next steps.

**Grouping:** Whole group

**Generalization:** Groups in American society have different social status; some groups are the object of prejudice.

 Materials	 Problem Log	 Teacher Reference
<p><b>Included in Unit</b></p> <ul style="list-style-type: none"> <li>• Internal Congressional Memo</li> <li>• Draft Legislation</li> <li>• Learning Issues Board</li> <li>• Reflective Moment</li> </ul> <p><b>Additional Materials</b></p> <ul style="list-style-type: none"> <li>• Resource Book (specifically The Geary Act)</li> </ul>	<ul style="list-style-type: none"> <li>• Internal Congressional Memo</li> <li>• Draft Legislation</li> <li>• Learning Issues Board</li> <li>• Reflective Moment</li> </ul>	<ul style="list-style-type: none"> <li>• Sample Learning Issues Board</li> <li>• Internet Resources (Appendix B)</li> </ul>

### Summary:

Students review the internal congressional memo and the draft legislation. After reading the documents, they speculate out loud about the nature of the problem. Record the information they already know and the questions they need to answer on the class version of the Learning Issues Board. As the lesson ends, students identify the high-priority questions that need to be answered first.

### Things to Do Before Class:

1. If possible, prepare the classroom to resemble a congressional office. Create a bulletin board of political cartoons, photographs, articles, and other documents from the Resource Book for students to “discover” (these can be downloaded and printed).
2. Prepare a Learning Issues Board on a whiteboard, smartboard, or LCD projector for whole-class discussion.
3. Review the opening scenario documents (memo and draft legislation).
4. Read the Geary Act (in the Resource Book).
5. Prepare some background information so that students can begin their research at the end of class, time permitting (see Appendix B).

## Things to Do During Class:

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1. Read through the congressional memo and the draft legislation with the students, and begin a general discussion about what seems to be going on. Make sure the students understand that they are government officials from the state of California.
2. As students voice assumptions about the situation (“We can’t pass a law like this,” or “The Chinese must be taking all the jobs”), ask them to discuss their hunches about what is going on. Record their answers on the class Learning Issues Board. As the conversation progresses, ask students probing questions to ensure that: (1) the facts listed under What We Know are relevant, and (2) the questions under Learning Issues are specific and researchable (see Key Questions below and the Sample Learning Issues Board). Students should fill in the Learning Issues Board in their Problem Logs to reference at home.

### Key Questions:

- *What do you think is going on in this situation?*
- *What hunches do you have about what might be going on?*
- *What is our role?*
- *What kind of issues might be facing us as members of Congress in this problem?*
- *What specific issues might face a representative from California?*
- *What assumptions can you make about lifestyles in America, options for Chinese immigrants, opposition to Chinese immigration, the Chinese exclusion laws, and the rights of the Chinese immigrants?*

3. Help students prioritize the questions listed under Learning Issues by selecting the three they think should be answered first. Discuss the priorities as a class, expanding the list to five high-priority questions.
4. Create a plan of action to find answers to the high-priority questions. Assign students to groups, varying the size of the groups depending on the nature of the questions they will research. Some questions require only one person to work on them, while others may need a group of four or five.

### Key Questions:

- *How should we organize our search?*
- *Which three questions do we need to answer first?*
- *What resources can we use to find this information?*
- *Where else, other than the internet, could we get the answer to some of these questions?*

5. Assign the Reflective Moment in the students’ Problem Logs either as homework or to close class.

February 11, 1892

**House of Representatives  
United States Congress  
Internal Memorandum**

**MEMO TO REPRESENTATIVES FROM CALIFORNIA**

**From:** Legislative Staff Drafting a Bill Regarding Chinese Immigration

**Regarding:** Your Support for the Attached Bill Components

The attached list of components for the bill we are drafting regarding Chinese immigrants to the United States needs your attention and, we hope, your support. We are sure you are receiving considerable mail from California voters about the tidal wave of Chinese immigration that is causing economic and social chaos in your state. We believe that this state of affairs can no longer be ignored.

The final text for this bill will be assembled over the next two weeks; therefore, we need your reactions to these components within a week. There is much to discuss: Geary wants to require a certificate of residence; some want the hard labor provision removed. Please tell us which components you are willing to support, which you are inclined to reject, which you wish to see changed in some way, and any new components you wish to add.

Thank you for your attention to this matter.

## *Draft Legislation:* The Geary Act, 1892

That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: Provided, That in any case where such other county of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China.

That any Chinese person or person of Chinese descent arrested under the provisions of this act or the acts hereby extended shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.

That any such Chinese person or person of Chinese descent convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period not exceeding one year and thereafter removed from the United States, as hereinbefore provided.

That after the passage of this act on an application to any judge or court of the United States in the first instance for a writ of habeas corpus by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay.

And it shall be the duty of all Chinese laborers within the limits of the United States, at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence, and any Chinese laborer, within the limits of the United States, who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested, by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States as hereinbefore provided, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause, he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness, that he was a resident of the United States at the time of the passage of this act; and if upon the hearing, it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars or imprisoned in the penitentiary for a term of not more than five years.

## Learning Issues Board

Hunches:

<b>What We Know</b>	<b>Learning Issues</b>	<b>Plan of Action</b>



## Sample Learning Issues Board

Hunches: The Chinese are experiencing some difficulties in the U.S. Chinese immigrants are causing chaos. Too many immigrants are entering the U.S. Americans are prejudiced against the Chinese. It's unconstitutional to pass laws like this.

What We Know	Learning Issues	Plan of Action
<ul style="list-style-type: none"> <li>We are Congressmen and -women from California.</li> <li>The memo says that there is a “tidal wave” of Chinese immigration.</li> <li>The bill concerns removing Chinese immigrants from the U.S.</li> <li>The bill needs immediate action.</li> <li>An illegal Chinese immigrant could be used for hard labor for up to a year before being kicked out of the U.S.</li> <li>Chinese immigrants would have to apply for a certificate of residence to be able to stay in the United States; if they don't have a certificate, they can be deported.</li> <li>We have to be done by next week.</li> </ul>	<ul style="list-style-type: none"> <li><b>Why do so many Chinese immigrants want to come to the U.S.?</b></li> <li><b>How many Chinese are currently in the U.S.?</b></li> <li><b>Why don't Americans like the Chinese immigrants?</b></li> <li>How many Chinese are American citizens?</li> <li>What are the living conditions in China?</li> <li>What are the implications of excluding the Chinese?</li> <li>What are the immigration procedures for coming to America?</li> <li><b>Is the problem just in California or in other places too?</b></li> <li><b>Is it legal to exclude people from the U.S.?</b></li> <li>Who wrote this draft?</li> </ul>	<ul style="list-style-type: none"> <li>Go to the library and read why the Chinese came to America and what they did when they arrived.</li> <li>Watch a video about immigration.</li> <li>Invite a guest speaker to come and talk about immigration rules.</li> <li>Find out if there has ever been other similar legislation.</li> <li>Look up census data.</li> </ul>

Bold items represent students' top priorities for research.