

TRUTH *versus* FICTION

JUSTICE

versus

PREJUDICE

MEAT FOR ALL, NOT FOR A FEW

**A PLAIN AND UNVARNISHED
STATEMENT**

**WHY Exclusion Laws against the Chinese
Should NOT be Re-enacted.**

**RESPECT TREATIES, AND MAKE GENERAL,
NOT SPECIAL, LAWS.**

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INTRODUCTION.

Inasmuch as the laws excluding Chinese emigration are not only to be re-enacted but made more drastic in their enforcement, it behooves thinking men and patriotic Americans to calmly review the history of this legislation, and the present condition, which, instead of calling for severer laws, should under all the circumstances demand less restrictive legislation and more humane interpretation by the executive branches of our Government. It is most unfortunate that questions of vital moment, such as call for the exercise of the highest statesmanship, are always discussed from the standpoint of party politics or local conditions, and that right of independent judgment is made subversive to catch the votes of the mob. The labor union organizations of the country, especially of the Pacific Coast, have formulated documents to prove that the Chinese emigration is a menace and danger to our institutions, undermining the fabric of our Government, and will destroy, if permitted, American labor. They have issued through their Washington branch a pamphlet that appeals to the prejudice and the baser passions of the American people, without one single thought of strengthening their position, and to bring home to the American people the facts that surround this Chinese exclusion legislation is the aim and object of this pamphlet. It is inspired by no thought to array class against class or to foment prejudice ; on the contrary, it is to allay differences, and to show, if possible, that it is unwise and unpatriotic to discriminate in legislation ; that whatever laws are to be enacted by Congress are to be uniform in their application and should not discriminate against any human being, no matter where he may have been born ; that if emigration should be restricted, it should apply to every emigrant, whether born in Europe or Asia, for through such legislation only can laws be respected and enforced.

The pamphlet of the labor union, among other things, says :

On the 5th page, it is stated that there had arrived in California in 1868 about 80,000 Chinese.

This is wrong. According to the United States Census there were in the whole United States, in 1860, 34,933 Chinese, and, in 1870, 63,249 Chinese.

The statement that the Chinese who came to California were slaves of the Six Companies, and practically chattels, is absolutely false.

The so-called Six Companies are really benevolent associations. They give relief to the needy and take care of them in trouble. They do not control the persons or movements of the Chinese in this country in any way. It is true that there are some Chinese secret societies in San Francisco called "Tongs." These "Tongs" have aims something like those of the labor unions, and have just as much control over their members as the labor unions have over their members.

As to the Chinese in other parts of the country than the State of California, they have nothing to do with the Six Companies or Tongs.

Page 7. It is true that there are a few highbinders in San Francisco. These are desperate characters who came to this country some years ago after committing serious offenses in China. They are really fugitives from justice. It is learned that the Chinese Minister is willing to co-operate with the United States Government to have these men arrested and sent back to China for trial and punishment.

Pages 8, 9, and 10. In regard to Chinese competition, it may be said that Chinese do not work for less wages than other people. According to the information furnished by an employment bureau, a Chinese cook cannot be had for less than \$40 or \$50 a month. This does not look like cheap labor.

Baron von Hubner, former Austrian Ambassador to France, was only a traveller passing through the United States. He

only gave his impressions in his discourse delivered at the Oriental Museum, in Vienna. He cannot be cited as an authority. But what he says about the Chinese in Singapore and other British settlements in the Far East clearly shows that Chinese make desirable immigrants. The English are certainly good colonizers. They know the value of the Chinese in their Eastern Possessions, and give them every inducement to come and settle there. Singapore, Penang, and other English colonies in the East could not have attained their present prosperous condition without the Chinese.

Page 12. It is stated that both Gen. Otis and Gen. McArthur were opposed to unrestricted Chinese immigration into the Philippines. In his report, Gen. McArthur takes the strange position of recommending the exclusion of Chinese from the Philippines on account of their virtues. This only serves to stir up race prejudice. The Filipinos are certainly not so enterprising as the Chinese. No statesman would think of excluding them from the islands. All the reliable authorities agree that Chinese labor is indispensable to the development of the Philippines. So long have the Chinese been resorting to those islands for purposes of trade and residence that they have now a vested interest there. Free intercourse and commerce were guaranteed to the Chinese by a treaty between China and Spain. But as soon as these islands passed under the control of the United States, Gen. Otis, in his capacity as military commander, issued an order excluding all Chinese from landing, in plain violation of law and international usage, without the knowledge and previous sanction of the President and the Secretary of War.

Referring to the economic conditions of the Philippine Islands, United States Consul-General Wildman, of Hongkong, says in a report in 1898 :

“Broadly speaking, there is not an industry in the Islands (Philippines) that will not be ruined, if Chinese labor is not allowed.”

Again, in the following year, speaking of the possibility of competing at Manila with the extensive manufactories at Hongkong, he says:

“It would only be possible if Chinese labor were admitted freely.”

Page 14. In regard to the general sentiment said to be against the Chinese on the Pacific coast, it is not strictly true.

Joaquin Miller, says in the *North American Review* for December, 1901:

“I repeat that all the tax-paying and substantial citizens of our cities and the real laborers of our Pacific Empire, from Alaska to San Diego, want and need these people (the Chinese) with us. * * * My work as a teacher, talker at teachers' institutes, colleges and so on, has, in the last four years, taken me into nearly every county in Washington, Oregon, California, Arizona, New Mexico, Texas, and Louisiana, and I have nowhere heard one voice in favor of the Chinese Exclusion Act, but the contrary, at all times and places. The Chinese are particularly wanted in the great Southwest.”

Page 15. The table purporting to give the class of labor, average wages, etc., of Chinese in California, compiled by John S. Enos, Commissioner of the Bureau of Labor Statistics of the State of California from 1883 to 1886, is not particularly reliable. In any case he describes the condition of things of nearly twenty years ago. The times have changed since then. It is a fact that Chinese appreciate the value of their labor now, and they will not work for less than white laborers.

It is absurd to say that the Chinese in the United States obtain 75 per cent. of their food from China and send 75 per cent. of their earnings to China. Chinese have acquired extravagant habits from contact with the American people. It is a well-known fact that thousands of Chinese in California,

who have been in this country many years, have spent all that they have made, and saved nothing.

Pages 18 and 19. It is stated that Chinese labor degrades labor as slave labor did. This is not so. It is a well-known fact that there is a scarcity of labor in the agricultural districts. Owing to the exclusion law, fields lie uncultivated for lack of labor. It is to the interest of farmers to be able to obtain any other kind of labor when white labor cannot be had.

Senator Morton, when he was at the head of the Congressional Committee which investigated the Chinese question, said :

“That they have injuriously interfered with the white people of California, or have done them a serious injury, may well be doubted. The great fact is there is to-day and has always been a scarcity of labor on the Pacific coast. There is work for all who are there, both white and Mongolian, and the State would undoubtedly develop much more rapidly were there more and cheaper labor. There was much intelligent testimony to the fact that the Chinese by their labor opened up large avenues and demand for white labor. The Chinese performed the lowest kind, while whites monopolized that of a superior character.”

Pages 19-21. The old story about the Chinese, in their habits and customs, violating every principle and rule of hygiene is here repeated, but the Chinese in this regard, are no worse than the Italians or the Hungarians, in cities or places where there are no Chinese. Sanitary laws have to be enacted and enforced to meet such a situation. In every country there are some people who are filthy in their habits.

Pages 22-28. It is not necessary to say much in reply to what is said there in regard to the moral standard of the Chinese. Suffice it to say that any one who takes up a copy of the *New York Journal* can find a state of things equally bad among the people of other nationalities in New York.

Pages 28-29. Opium is imported into this country by Americans. Chinese are prohibited from bringing opium into this country by treaty between China and the United States. If there are opium dens in San Francisco and other American cities, the Americans have only themselves to blame, for China has done her utmost to put a stop to that traffic.

Page 29. It is stated that the Chinese buy very little from the United States, their entire trade amounting to but 77 cents per head, against \$1.03 per head of the people of Australia. This shows only that the trade between China and the United States is still in its infancy, and is capable of vast development. Now that the United States, by the acquisition of the Philippines, has practically become the next-door neighbor to China, the development of trade between the two countries is not a matter of small moment. It concerns the future growth and prosperity of the Pacific slope. It affects the demand for labor on the Pacific coast. The consequences are very far reaching.

It is further stated that from 1880 to 1901 the trade of the United States with China amounted to \$578,165,159, of which \$429,081,555 was the value of imports, and but \$149,083,604 the value of exports, leaving a balance of \$279,997,951 in favor of China. This only shows that during the period of exclusion, partial and absolute, the Chinese bought their goods mostly from Europe, and bought from the United States only such things as they could not possibly obtain elsewhere. Though trade may not be a matter of sentiment, sentiment, after all, often determines where we go to buy.

As to the complaint that Chinese send money out of the country, it is sufficient to say that they have a perfect right to do what they will with their own. Don't American millionaires spend millions of dollars in European travel every year? What is the difference between the act of the millionaires and that of the Chinese in this respect? In any case it is absurd

to think that every dollar sent out of the country is a dead loss to the country. In the first place, money in the form of silver and gold coins seldom goes out of the country. Even small amounts are usually sent by draft, which is only an instrument of credit, and bankers invariably make something in that operation. As a general thing, the money sent out of the country usually comes back in the shape of goods to supply the wants of the country. Thus it is difficult to see where the loss comes in.

What San Francisco has suffered from the exclusion of Chinese! In this connection, it is worth while to see what Joaquin Miller, in the article above referred to, says in this regard:

“Do the real proprietors of the Pacific coast, the owners of property and the tax-payers, want the Chinese with us? They do, almost without exception, and it would be strange if they did not; for, since the exclusion of the Chinese, property in our large cities has, in the main, been at a standstill. And behold, our chiefest city, San Francisco, has slid back from its proud place as the seventh city in the Union to that of the ninth! Of course, if we had excluded all other foreigners along with the Chinese we might have held our own, perhaps advanced as at the first; but these remaining foreigners have kept up such a turmoil that capital, always very sensitive, has been afraid to come, and in many cases has moved out, and moved out to stay.”

The days before the exclusion of Chinese were the heyday of San Francisco's prosperity. During the seventies, when there was no exclusion, the value of exports from the port of San Francisco to the Chinese Empire rose to \$9,617,-766 in 1879, and from 1882 to 1901, when there was partial and absolute exclusion, the value of exports from San Francisco to China fell to as low a point as \$99,385 in 1886 and \$99,950 in 1890. The above figures are taken from a table compiled by the United States Bureau of Statistics, and are, therefore, official.

The fact is, that owing to the rigid enforcement of the exclu-

sion laws, Chinese merchants have found no end of trouble in coming to this country for the purpose of buying. How can, therefore, an increase of trade be effected, if every obstacle is thrown in the way of those who are concerned in that trade? They have no choice but to go elsewhere.

Page 33. Reply to Memorial to Congress.

“When Chinese flocked in.” The Chinese have contributed largely to the opening up and development of California and the Western States. They worked mines, they reclaimed waste lands, they constructed the transcontinental railroads connecting the Pacific coast with the Atlantic seaboard.

“Effects of the Geary Act.” Its effects are disastrous to California. According to the fifteenth report of the Commissioner of Labor, the average rate of wages in California fell to \$1.73 per day in 1893, the year when the Geary Act went into effect, while the average rate of wages in California was \$2.00 per day before the exclusion of the Chinese.

“Chinese are not assimilative.” Americans do not give them a chance. They are not allowed by law to become citizens; it is hardly fair to deny them the right to become naturalized and, in the same breath, find fault with them for not being assimilative.

“Deter desirable immigration.” It is stated here that “all Chinese immigration of the coolie class is both pauper and contract labor.” There is an alien labor contract law and also a general immigration law excluding paupers on the statute books. These laws are sufficient to keep out the undesirable elements of the Chinese population without the enactment of a special law for the purpose. It is the unjust discrimination that is the most objectionable feature of the exclusion laws.

“Protection for American labor.” American labor needs no protection from Chinese labor, because Chinese labor does not come into competition with American labor. As Senator Morton says in his report above referred to, “The Chinese performed the lowest kind, while the whites monopolized that of a superior character.” Joaquin Miller again says: “There

is work for all who want to work. There will be work for all who really want to work until the Western States are entirely inhabited. It will be ages and ages before our last acre is plowed and planted ; let come to us all who care to come and labor and obey the laws. Now, do these real laborers, the men who work in content, want and need the Chinese with us ? They both want them and need them."

"Exclusion an aid to industrial peace." From what has been said, it is not the real laborers who do not want the Chinese, but the walking delegates, and others of that class. They are the real disturbers of the industrial peace, not the Chinese.;

"Answer to opponents of exclusion." Let Joaquin Miller answer this. He says :

"The man with a home, whether he has a little shop or a little farm, does not want his wife and growing children to cook, wash, and do chamber work, when he can get a silent and submissive little Mongolian to do it for a song. For our ambitious and splendid white boy or girl cannot get on nearly so well at school if kept at home to do washing, do chamber work, and help mother to do what Senator Morton called 'the lowest work' about the house."

"Experience with slave labor." Chinese labor is voluntary, and not slave labor.

"Our civilization is involved." The historical allusions are rather far-fetched. They have no bearing whatever on the question at hand.

The Americans have often boasted of their fair dealing and consideration for the oppressed of mankind. The exclusion laws against the Chinese give a lie to their professions. They do not dare to do the same thing to a stronger power. They simply take advantage of the weakness of China and do as they please about this matter. This is like kicking a man when he is down. Nothing is more cowardly than this.

The Chinese do not come here to commit any criminal

offence. They come to trade and to work. But it is the practice for custom officers to look upon their attempt to enter the country as criminal offences, and treat them worse than thieves or robbers. Is this fair? Should it be done by a civilized people?

So much in answer to the pamphlet of the labor union. The religious press of the country is almost a unit against the rigid enactment and enforcement of Chinese exclusion.

Thus the *Church News Association* of New York says:

“The Christian Missions of San Francisco and Portland, which represent almost all religious bodies, have appealed to Gen. O. O. Howard, and through him to the churches of the whole country, to do what he and they can to mitigate the rigors of the Chinese exclusion law. These missions, and especially such managers of them as are leading Chinese citizens of the coast, claim that in the execution of the exclusion law great injustice is done. Certain classes of Chinese are exempted by the original act as students, merchants, and travellers, but in different re-enactments, and especially in the rulings attending the execution of the law, various terms have been employed, and confusion about terms is the outcome. Out of this confusion many persons get into prison, and are compelled to prove themselves entitled to their liberty, which is contrary to all Anglo-Saxon legal practice. In the judgment of Gen. Howard a large proportion of the people of the coast are not in favor of the exclusion act. The law expires next May, hence the present agitation on the part of coast missions interested in the Chinese to defeat its re-enactment.”

The *Jewish Exponent*, published in Philadelphia, after deploring the fact that President Roosevelt recommended more stringent immigration laws; especially against illiterate persons, at the close of the article has the following:

“When legislation such as this is proposed against European immigrants it would be idle to expect Congress to refuse to re-enact the law excluding Chinamen from this country. Consideration of justice and consistency

are not likely to enter into the matter. We say in effect to the Chinese, 'you must take our goods, the missionaries and anything else we choose to send you, and you must protect our interests on peril of your lives; but you must not show your faces within our borders, for you are too far beneath us to be fit company for us.' And we expect the Chinamen to smile and cheerfully acquiesce. He will no doubt smile broadly at the proposal of one Senator to permit Chinamen who have 'embraced' Christianity to enter the country when the others are excluded, for he knows that even a childlike and bland 'disciple' of Confucius can 'embrace' a religion one day, and let go of his fond embrace as soon as he is over the border."

The *American Israelite*, published in Cincinnati, says, after quoting from President Roosevelt's message on emigration:

"It is well to remember that pitiful cases arise in every port of the country owing to a harsh construction of the laws on immigration, and laws to be respected should be uniform and specific."

General O. O. Howard, the Havelock of the American Army, and whose reputation for sincerity, piety, and all that the word patriotic American embraces, is well known, writes from Burlington, Vermont, to a comrade in this city as follows:

"In your letter received to-day you ask me to give some reasons why I am opposed to the re-enactment of the old exclusion laws, that is, the original law and its amendments passed ostensibly for the benefit of the Chinese. The original act of Congress was intended to apply to laborers, and there were exempted all other classes such as students, merchants, travellers, etc. But the re-enactments and especially the rulings of the administrative department, which have been had from time to time in the execution of the law and in the carrying out of the treaty of 1894, have brought additional hardship to faithful laborers and quite as much to the persons who were intended to be exempted. It is com-

monly known that multitudes of Chinese arrests have been made in San Francisco, and that the persons have been kept in confinement in a sort of a shed equivalent to a prison, sometimes for two or three months before their cases could be disposed of. In every case the person arrested was obliged to prove himself innocent of the charges made against him, and what was called 'white testimony,' as required by the law, must be had before a decision could be rendered by the customs bureau concerned. In Portland, Oregon, for safekeeping the victims were placed in jail, and they were there, as well as in San Francisco, obliged to prove themselves entitled to their freedom. Some of the Chinamen, leading merchants, told me that they did not so much object to laws which excluded laborers from the United States as to the hardship and cruelty, nay, the inhumanity shown in the execution of those laws, and particularly in the effort made by hostile citizens to include everybody in the labor class. They further said, 'Why should the United States so discriminate against the Chinese,' and I say the same. If the time has come when we do not want any foreign working men, industrious and faithful in every respect in all their work, to participate with us in the use and development of the vast areas between the Missouri and the Pacific ocean, then, of course, let us properly restrict immigration, and let us do it with impartiality. There is just as much danger of a flood of immigrants from Japan as from the one province of China from which they have come.

"The desire for gold drew everybody to California years ago, but that special inducement no longer exists. The statement that there are dens of vice among the Chinamen in San Francisco into which Americans and other foreigners are drawn, may be true, but the answer is, there are dens of vice in New York and in every large city and nobody has any objection—I mean nobody of character and standing—has any objection to their exclusion or suppression.

"Again, the Chinese are excluded by the acts of Congress from citizenship. Why is this? I do not believe that our people desire to perpetuate such a law. A fine merchant, who has carried on a large business in Portland and paid thousands of dollars of revenue into the Treasury

of the United States, and has a record as a merchant of integrity, said to me: 'General Howard, I have been thirty years in this country and have done my duty as a merchant and as a member of society. Why cannot I become a citizen of the United States? All my interests are here and I love the country as a place to live in, but do not like to be excluded from the privileges that others enjoy under the flag.' I know of many Chinamen, for I have been among them for a good many years, who have our habiliments, who have good families, wives, and children. The children are going to school, and the young men, born of these good parents, are attending our high schools, academies, colleges, and universities. It is a cruelty to put a special stigma upon the fact that a man or a woman is of Chinese origin.

"May I say that hitherto I have had strong sympathies with laboring men. I have had to work hard myself, beginning with the farm, and passing through many vicissitudes, never escaping hard work and never desiring to do so. If an organization of labor is essential as against organized capital to secure the rights of labor, all right. But no society, working for the laborer, can afford to despise and take hostile action against other laborers. There is a vast multitude of laborers in our seventy-five millions of population that are not yet organized; that have no sympathy with inhumanity, cruelty and hatred. From them have come the loyal soldiers who fought in the Civil War and in other wars of our country, and they know that an unjust action or series of actions against any nation, against Russia, against Austria, or Germany, or Italy, or Japan, or China only snirches their own flag, because this nation is founded in righteousness and must sustain righteous laws, fair and impartial toward all the world. The reaction will surely come against us from any nation, especially from the powerful nations, if we begin and perpetuate hostile action. That hostile action may be covert as in the treaty formed with China in 1894, or as in the first exclusion act, but it appears more and more as the years go on and amendments are made to the original law.

"As a rule, the Chinamen, as in our laundries, are clean, persevering, truthful and thoroughly honest in all their dealings. My family found them so in nine years'

residence on the Pacific Coast, when they undertook the work of servants in the household. None ever did it better. They underbid any other servants, and they demand a fair price for their work, but the work they do with diligence and with wonderful completeness. I do hope that our countrymen will think of these things and not commence, or re-commence, a series of unjust and cruel acts against men and women and children simply because they are Chinese.

"It is no answer to say that Boxers in China perpetrated murders and cruelties without number. The most of us know that we have had innumerable cases of the driving out of Chinamen from villages and cities all along our coast, and that, at places like Rock Springs, other foreigners, in the name of Americans, have murdered some and expelled others, and have never been punished for their crimes. I know of no punishment ever awarded the rioters who performed these deeds of infamy.

"With regard to being overrun by the heathen and the replacement of our civilization by that part of China, there is not the least danger of that result. If they have some principles far in advance of ours, it is time for us to adopt them. Chinese merchants the world over have the reputation of thorough honesty. Their word is said to be as good as their bond. I wish this were so with our merchants, so that wherever an American merchant was found the feeling would be a common one that he was a man of integrity.

"In point of skill, energy, purity of character, and godliness, we know well that our sons and daughters can keep pace with any other sons and daughters on the globe; but to be scared to death lest we be outstripped in the race for life by the members of any other nationality is, in my judgment, a figment of the imagination.

"It seems to my view that we desire friendliness with China, friendliness in trade. The conduct of our navy was such as to get and keep the respect of the Chinese. How foolish to disturb this desirable thing by hostile legislation!

"Again, every intelligent man I have met returning from Manila says: 'The Chinese laborers in the Philippines are the most reliable working men in the islands.'

If so, is it not suicidal in the extreme to expel them or to exclude those who wish to come and participate in the upbuilding of the material interests there ?

“As a last thought I have this: that if we succeed in hostile legislation and in making hundreds of millions of people hostile to us, other nations will come in and take the trade and have the privileges that we so foolishly forego.”

President Hayes, in his veto message of March 1, 1879, said as follows

After a very careful consideration of House Bill 2423, entitled “An Act to restrict the immigration of Chinese to the United States,” I herewith return it to the House of Representatives, in which it originated, with my objections to its passage.

The bill, as it was sent to the Senate from the House of Representatives, was confined in its provisions to the object named in its title, which is that of “An Act to restrict the immigration of Chinese to the United States.” The only means adopted to secure the proposed object was the limitation of the number of Chinese passengers which might be brought to this country by any one vessel to fifteen, and as this number was not fixed in any proportion to the size or tonnage of the vessel or by any consideration of the safety or accommodation of these passengers, the simple purpose and effect of the enactment were to repress this immigration to an extent falling but little short of its absolute exclusion.

The bill as amended in the Senate and now presented to me, includes an independent and additional provision which aims at and in turn requires the abrogation by this Government of Articles V and VI of the treaty with China commonly called the Burlingame treaty, through the action of the executive enjoined by this provision of the act.

The Burlingame treaty, of which the ratifications were exchanged at Peking, November 23, 1869, recites as the occasion and motive of its negotiation by the two governments that “since the conclusion of the treaty between the United

States of America and the Ta Tsing Empire (China) of the 18th of June, 1858, circumstances have arisen showing the necessity of additional articles thereto," proceeds to an agreement as to said additional articles. These negotiations, therefore, ending by the signature of the additional articles, July 28, 1868, had for their object the completion of our treaty rights and obligations toward the government of China by the incorporation of these new articles as thenceforth parts of the principal treaty to which they are made supplemental. Upon the settled rules of interpretation applicable to such supplemental negotiations the text of the principal treaty and of "these additional articles thereto" constitute one treaty from the conclusion of the new negotiations, in all parts of equal and concurrent force and obligation between the two governments, and to all intents and purposes as if embraced in one instrument.

The principal treaty, of which the ratifications were exchanged August 16, 1859, recites that "the United States of America and the Ta Tsing Empire, desiring to maintain firm, lasting, and sincere friendship, have resolved to renew, in a manner clear and positive, by means of a treaty or general convention of peace, amity, and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries," and proceeds in its thirty articles to lay out a careful and comprehensive system for the commercial relations of our people with China. The main substance of all the provisions of this treaty is to define and secure the rights of our people in respect of access to, residence and protection in, and trade with China. The actual provisions in our favor in these respects were framed to the interests of our commerce; and by the concluding article we receive the important guaranty that—

"Should at any time the Ta Tsing Empire grant to any nation, or the merchants or citizens of any nation, any right, privilege or favor, connected either with navigation, commerce, political or other intercourse, which is

not conferred by this treaty, such right, privilege, and favor shall at once freely inure to the benefit of the United States, its public officers, merchants and citizens."

Against this body of stipulations in our favor and this permanent engagement of equality in respect of all future concessions to foreign nations, the general promise of permanent peace and good offices on our part seems to be the only equivalent. For this the first article undertakes as follows:

"There shall be, as there have always been, peace and friendship between the United States of America and the Ta Tsing Empire, and between their people respectively. They shall not insult or oppress each other for any trifling cause, so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the cause, to bring about an amicable arrangement of the question, thus showing their friendly feeling."

At the date of the negotiation of this treaty our Pacific possessions had attracted a considerable Chinese immigration, and the advantages and inconveniences felt or feared therefrom had become more or less manifest; but they dictated no stipulations on the subject to be incorporated in the treaty. The year 1868 was marked by the striking event of a spontaneous embassy from the Chinese Empire, headed by an American citizen, Anson Burlingame, who had relinquished his diplomatic representation of his own country in China to assume that of the Chinese Empire to the United States and the European nations. By this time the facts of the Chinese immigration and its nature and influences, present and prospective, had become more noticeable and were more observed by the population immediately affected, and by this Government. The principal feature of the Burlingame treaty was its attention to and its treatment of the Chinese immigration, and the Chinese as forming, or as they should form, a part of our population. Up to this time our uncovenanted hospitality to im-

migration, our fearless liberality of citizenship, our equal and comprehensive justice to all inhabitants, whether they abjured their foreign nationality or not, our civil freedom, and our religious toleration had made all comers welcome, and under these protections the Chinese in considerable numbers had made their lodgment upon our soil.

The Burlingame treaty undertakes to deal with this situation, and its fifth and sixth articles embrace its most important provisions in this regard, and the main stipulations in which the Chinese government has secured an obligatory protection of its subjects within our territory. They read as follows :

“ART. V. 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 purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offence for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country, without their free and voluntary consent, respectively.

“ART. VI. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions, in respect to travel or residence, as may there be enjoyed by the citizens or subjects of the most favored nation, and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions, in respect to travel or residence, as may there be enjoyed by the citizens or subjects of the most favored nation. 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.”

An examination of these two articles in the light of the experience then influential in suggesting their "necessity" will show that the fifth article was framed in hostility to what seemed the principal condition to be guarded against, to wit, the introduction of Chinese laborers by methods which should have the character of a forced and servile importation, and not of a voluntary emigration of freemen seeking our shores upon motives and in a manner consonant with the system of our institutions, and approved by the experience of the nation. Unquestionably, the adhesion of the government of China to these liberal principles of freedom in emigration, with which we were so familiar, and with which we were so well satisfied, was a great advance towards opening that empire to our civilization and religion, and gave promise in the future of greater and greater practical results in the diffusion throughout that great population of our arts and industries, our manufactures, our material improvements, and the sentiments of government and religion which seem to us so important to the welfare of mankind. The first clause of this article secures this acceptance by China of the American doctrine of free migration to and fro among the peoples and races of the earth.

The second clause, however, in its reprobation of "any other than an entirely voluntary emigration" by both the high contracting parties, and in the reciprocal obligations whereby we secured the solemn and unqualified engagement on the part of the government of China "to pass laws making it a penal offense for a citizen of the United States or a Chinese subject to take Chinese subjects either to the United States or to any foreign country without their free and voluntary consent," constitutes the great force and value of this article. Its importance, both in principle and its practical service toward our protection against servile importation in the guise of immigration, cannot be overestimated. It commits the Chinese government to active and efficient measures to suppress this iniquitous system, where those measures are most

necessary and can be most effectual. It gives to this Government the footing of a treaty right to such measures and the means and opportunity of insisting upon their adoption and of complaint and resentment at their neglect. The fifth article, therefore, if it fall short of what the pressure of the later experience of our Pacific States may urge upon the attention of this Government as essential to the public welfare, seems to be in the right direction and to contain important advantages which once relinquished cannot be recovered.

The second topic which interested the two governments, under the actual condition of things which prompted the Burlingame treaty, was adequate protection, under the solemn and definite guaranties of a treaty, of the Chinese already in this country and those who should seek our shores. This was the object, and forms the subject of the sixth article, by whose reciprocal engagement the citizens and subjects of the two governments, respectively, visiting or residing in the country of the other are secured the same privileges, immunities, or exemptions there enjoyed by the citizens or subjects of the most favored nations. The treaty of 1858, to which these articles are made supplemental, provides for a great amount of privilege and protection, both of person and property, to American citizens in China, but it is upon this sixth article that the main body of the treaty rights and securities of the Chinese already in this country depends. Its abrogation, were the rest of the treaty left in force, would leave them to such treatment as we should voluntarily accord them by our laws and customs. Any treaty obligation would be wanting to restrain our liberty of action toward them, or to measure or to sustain the right of the Chinese government to complaint or redress in their behalf.

The lapse of ten years since the negotiation of the Burlingame treaty has exhibited to the notice of the Chinese government, as well as to our own people, the working of this experiment of immigration in great numbers of Chinese laborers to this country, and their maintenance here of all the traces

of race, religion, manners, and customs, habitations, mode of life, segregation here, and the keeping up of the ties of their original home, which stamp them as strangers and sojourners, and not as incorporated elements of our national life and growth. This experience may naturally suggest the reconsideration of the subject as dealt with by the Burlingame treaty, and may properly become the occasion of more direct and circumspect recognition, in renewed negotiations, of the difficulties surrounding this political and social problem. It may be well that, to the apprehension of the Chinese government no less than our own, the simple provisions of the Burlingame treaty may need to be replaced by more careful methods, securing the Chinese and ourselves against a larger and more rapid infusion of this foreign race than our system of industry and society can take up and assimilate with ease and safety. This ancient government, ruling a polite and sensitive people, distinguished by a high sense of national pride, may properly desire an adjustment of their relations with us which would in all things confirm and in no degree endanger the permanent peace and amity and the growing commerce and prosperity which it has been the object and the effect of our existing treaties to cherish and perpetuate.

I regard the very grave discontents of the people of the Pacific States with the present working of the Chinese immigration, and their still graver apprehensions therefrom in the future, as deserving the most serious attention of the people of the whole country and a solicitous interest on the part of Congress and the Executive. If this were not my own judgment, the passage of this bill by both houses of Congress would impress upon me the seriousness of the situation, when a majority of the representatives of the people of the whole country had thought fit to justify so serious a measure of relief.

The authority of Congress to terminate a treaty with a foreign power by expressing the will of the nation no longer to adhere to it is as free from controversy under our Constitu-

tion as is the further proposition that the power of making new treaties or modifying existing treaties is not lodged by the Constitution in Congress, but in the President, by and with the advice and consent of the Senate, as shown by the concurrence of two-thirds of that body. A denunciation of a treaty by any government is confessedly justifiable only upon some reason both of the highest justice and of the highest necessity. The action of Congress in the matter of the French treaties in 1798, if it be regarded as an abrogation by this nation of a subsisting treaty, strongly illustrates the character and degree of jurisdiction which was then thought suitable to such a proceeding. The preamble of the act recites that the—

“Treaties concluded between the United States and France have been repeatedly violated on the part of the French government, and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity.

And that—

“Under authority of the French government there is yet pursued against the United States a system of predatory violence, infracting the said treaties and hostile to the rights of a free and independent nation.

The enactment, as a logical consequence of these recited facts, declares

“That the United States are of right freed and exonerated from the stipulations of the treaties and of the consular convention heretofore concluded between the United States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States.”

The history of the Government shows no other instance of an abrogation of a treaty by Congress.

Instances have sometimes occurred where the ordinary legislation of Congress has, by its conflict with some treaty obligation toward a foreign power, taken effect as *an infraction* of the treaty, and been judicially declared to be operative to that result; but neither such legislation nor such judicial sanction of the same has been regarded as an *abrogation*, even for a moment, of the treaty. On the contrary, the treaty in such case still subsists between the governments, and the casual infraction is repaired by appropriate satisfaction in maintenance of the treaty.

The bill before me does not enjoin upon the President the abrogation of the entire Burlingame treaty, much less of the principal treaty of which it is made the supplement. As the power of modifying an existing treaty, whether by modifying or striking out provisions, is a part of the treaty-making power under the Constitution, its exercise is not competent for Congress, nor would the assent of China to this partial abrogation of the treaty make the action of Congress in thus procuring an amendment of a treaty a competent exercise of authority under the Constitution. The importance, however, of this special consideration seems superseded by the principle that a denunciation of a part of a treaty not made by the terms of the treaty itself, separable from the rest, is a denunciation of the whole treaty.

I am convinced that, whatever urgency might in any quarter or by any interests be supposed to require an instant suppression of further immigration from China, no reasons can require the immediate withdrawal of our treaty protection of the Chinese already in this country, and no circumstances can tolerate an exposure of our citizens in China, merchants or missionaries, to the consequences of so sudden an abrogation of their treaty protection. Fortunately, however, the actual recession in the flow of the emigration from China to the Pacific coast, shown by trustworthy statistics, relieves us from any apprehension that the treatment of the subject in the proper course of diplomatic negotiations will introduce any new

feature of discontent or disturbance among the communities directly affected. Were such delay fraught with more inconveniences than have ever been suggested by the interests most earnest in promoting this legislation, I cannot but regard the summary disturbance of our existing treaties with China as greatly more inconvenient to much wider and more permanent interests of the country. I have no occasion to insist upon the more general considerations of interest and duty which sacredly guard the faith of the nation, in whatever form of obligation it may have been given. These sentiments animate the deliberations of Congress and pervade the minds of our whole people. Our history gives little occasion for any reproach in this regard; and in asking the renewed attention of Congress to this bill, I am persuaded that their action will maintain the public duty and public honor.

R. B. HAYES.

President Arthur, returning his veto message, said as follows:

EXECUTIVE MANSION,

WASHINGTON, D. C., *April 4, 1883.*

To the Senate of the United States:

After careful consideration of Senate Bill No. 71, entitled "An Act to execute certain treaty stipulations relating to the Chinese," I herewith return it to the Senate, in which it originated, with my objections to its passage.

A nation is justified in repudiating its treaty obligations only when they are in conflict with great paramount interests. Even then all possible reasonable means for modifying or changing those obligations by mutual agreement should be exhausted before resorting to the supreme right of refusal to comply with them.

These rules have governed the United States in their past intercourse with other powers as one of the family of nations. I am persuaded that if Congress can feel that this act violates

the faith of the nation as pledged to China, it will concur with me in rejecting this particular mode of regulating Chinese immigration, and will endeavor to find another which shall meet the expectations of the people of the United States without coming in conflict with the rights of China.

The present treaty relations between that power and the United States springs from an antagonism which arose between our paramount domestic interests and our previous relations.

The treaty commonly known as the Burlingame treaty conferred upon Chinese subjects the right of voluntary emigration to the United States for the purpose of curiosity or trade or as permanent residents, and was in all respects reciprocal as to the citizens of the United States in China. It gave to the voluntary emigrant coming to the United States the right to travel there or to reside there, with all the privileges, immunities, or exemptions enjoyed by the citizens of the most favored nation.

Under the operation of this treaty it was found that the institutions of the United States and the character of its people and their means of obtaining their livelihood might be seriously affected by the unrestricted introduction of Chinese labor. Congress attempted to alleviate this condition by legislation, but the act which it passed proved to be in violation of our treaty obligations, and, being returned by the President with his objections, failed to become a law.

Diplomatic relief was then sought. A new treaty was concluded with China. Without abrogating the Burlingame treaty, it was agreed to modify it, so far that the Government of the United States might regulate, limit, or suspend the coming of the Chinese laborers to the United States or their residence therein, but that it should be reasonable and should apply only to Chinese who might go to the United States as laborers, other classes not being included in the limitations. This treaty is unilateral, not reciprocal. It is a concession from China to the United States in limitation of the rights

which she was enjoying under the Burlingame treaty. It leaves us by our own act to determine when and how we will enforce these limitations. China may therefore fairly have a right to expect that in enforcing them we will take good care not to overstep the grant and take more than has been conceded to us.

It is but a year since this new treaty, under the operation of the Constitution, became part of the supreme law of the land, and the present act is the first attempt to exercise the more enlarged powers which it relinquishes to the United States.

In its first article the United States is empowered to decide whether the coming of Chinese laborers to the United States or their residence therein affects or threatens to affect our interests or to endanger good order, either within the whole country or in any part of it. The act recites that "in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities thereof." But the act itself is much broader than the recital. It acts upon residents as well as upon immigrants, and its provisions are effective throughout the United States. I think it may fairly be accepted as an expression of the opinion of Congress that the coming of such laborers to the United States or their residence here affects our interests and endangers good order throughout the country. On this point I shall feel it my duty to accept the views of Congress.

The first article further confers the power upon this Government to regulate, limit or suspend, but not actually to prohibit, the coming of such laborers to or their residence in the United States. The negotiators of the treaty have recorded with unusual fullness their understanding of the sense and meaning with which these words were used.

As to the class of persons to be affected by the treaty, the Americans inserted in their draft a provision that the words "Chinese laborers" signify all other immigration than that

for "teaching, trade, travel, study, and curiosity" The Chinese objected to this that it operated to include artisans in the class laborers whose immigration might be forbidden. The Americans replied that they "could" not consent that artisans shall be excluded from the class of Chinese laborers, for it is this very competition of skilled labor in the cities where the Chinese immigration concentrates which has caused the embarrassment and popular discontent. In the subsequent negotiations this definition dropped out, and does not appear in the treaty. Article 11 of the treaty confers the rights, privileges, immunities, and exemptions which are accorded to citizens and subjects of the most favored nation upon Chinese subjects proceeding to the United States as teachers, students, merchants, or from curiosity. The American Commissioners report that the Chinese government claimed that in this article they did, by exclusion, provide that nobody should be entitled to claim the benefit of the general provisions of the Burlingame treaty but those who might go to the United States in those capacities or for those purposes. I accept this as the definition of the word "laborers," as used in this treaty.

As to the power of legislation respecting this class of persons, the new treaty provides that we "may not absolutely prohibit" their coming or their residence. The Chinese Commissioners gave notice in the outset that they would never agree to a prohibition of voluntary emigration. Notwithstanding this the United States Commissioners submitted a draft, in which it was provided that the United States might "regulate, limit, suspend, or prohibit" it. The Chinese refused to accept this. The Americans replied that they were willing to consult the wishes of the Chinese government in preserving the principles of free intercourse between the people of the two countries, as established by existing treaties, provided that the right of the United States to use its discretion in guarding against any possible evils of immigration of Chinese laborers if distinctly recognized. Therefore, if such concessions remove all difficulty on the part of the Chinese Com-

missioners (but only in that case) the United States Commissioners will agree to remove the word "prohibit" from their article and to use the words "regulate, limit, or suspend." The Chinese reply to this can only be inferred from the fact that in the place of an agreement, as proposed by our Commissioners, that we might prohibit the coming or residence of Chinese laborers, there was inserted in the treaty an agreement that we might not do it.

The remaining words "regulate, limit, and suspend," first appear in the American draft. When it was submitted to the Chinese they said :

"We infer that of the phrases regulate, limit, suspend, or prohibit, the first is a general expression referring to the others. We are entirely ready to negotiate with your Excellencies to the end that a limitation either in point of time or of numbers may be fixed upon the emigration of Chinese laborers to the United States."

At a subsequent interview they said that "by limitation in number they meant, for example, that the United States having, as they supposed, a record of the number of the emigrants in each year, as well as the total number of Chinese now there, that no more should be allowed to go in any one year in the future than either the greatest number which had gone in any year in the past, or that the total number should never be allowed to exceed the number now there. As to limitation of time they meant, for example, that Chinese should be allowed to go in alternate years, or every third year, or, for example, that they should not be allowed to go for two, three, or five years."

At a subsequent conference the Americans said :

"The Chinese Commissioners have in their project explicitly recognized the right of the United States to use some discretion, and have proposed a limitation as to time and number. This *is* the right to regulate, limit, or suspend."

In one of the conferences the Chinese asked the Americans whether they could give them any idea of the laws which would be passed to carry the powers into execution. The Americans answered that this could hardly be done ; that the United States Government might never deem it necessary to exercise this power. It would depend upon circumstances. If Chinese immigration concentrated in cities where it threatened public order, or if it confined itself to localities where it was an injury to the interests of the American people, the Government of the United States would undoubtedly take steps to prevent such accumulation of Chinese. If, on the contrary, there was no large immigration, or if there were sections of the country where such immigration was clearly beneficial, then the legislation of the United States under this power would be adapted to such circumstances. For example, there might be a demand for Chinese labor in the South and a surplus of such labor in California, and Congress might legislate in accordance with these facts. In general, the legislation would be in view of and depend upon the circumstances of the situation at the moment such legislation became necessary. The Chinese Commissioners said this explanation was satisfactory ; that they had not intended to ask for a draft of any special act, but for some general idea how the power would be exercised. What had just been said gave them the explanation that they wanted.

With this entire accord as to the meaning of the words they were about to employ and the subject of the legislation which might be had in consequence, the parties signed the treaty, in article one of which—

“The government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to

Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration."

The first section of the act provides that :

"From and after the expiration of sixty days next after the passage of this act, and until after the expiration of twenty years next after the passage of this act, the coming of Chinese laborers be, and the same is hereby, suspended ; and during such suspension it shall not be lawful for any Chinese laborer to come or, having so come after the expiration of said sixty days, to remain within the United States."

The examination which I have made of the treaty and of the declarations which its negotiators have left on record of the meaning of its language leaves no doubt in my mind that neither contracting party, in concluding the treaty of 1880, contemplated the passage of an act prohibiting immigration for twenty years, which is nearly a generation, or thought that such a period would be a reasonable suspension or limitation, or intended to change the provisions of the Burlingame treaty to that extent. I regard this provision of the act as a breach of our national faith, and being unable to bring myself in harmony with the views of Congress on this vital point, the honor of the country constrains me to return the act with this objection to its passage.

Deeply convinced of the necessity of some legislation on this subject, and concurring fully with Congress in many of the objects which are sought to be accomplished, I avail myself of the opportunity to point out some other features of the present act, which, in my opinion, can be modified to advantage.

The classes of Chinese who still enjoy the protection of the Burlingame treaty are entitled to the privileges, immunities, and exemptions accorded to citizens and subjects of the most favored nation. We have treaties with many powers which permit their citizens and subjects to reside within the United

States and carry on business under the same laws and regulations which are enforced against citizens of the United States. I think it may be doubted whether provisions requiring personal registration and the taking out of passports which are not imposed upon natives can be required of Chinese. Without expressing an opinion on this point, I may invite the attention of Congress to the fact that the system of personal registration and passports is undemocratic and hostile to the spirit of our institutions. I doubt the wisdom of putting an entering wedge of this kind into our laws. A nation like the United States, jealous of the liberties of its citizens, may well hesitate before it incorporates into its policy a system which is fast disappearing in Europe before the progress of liberal institutions. A wide experience has shown how futile such precautions are, and how easily passports may be borrowed, exchanged, or even forged by persons interested to do so.

If it is, nevertheless, thought that a passport is the most convenient way of identifying the Chinese entitled to the protection of the Burlingame treaty, it may still be doubted whether they ought to be required to register. It is certainly our duty, under the Burlingame treaty, to make their stay in the United States, in the operation of general laws upon them, as nearly like that of our own citizens as we can consistently with our right to shut out the laborers. No good purpose is served in requiring them to register.

My attention has been called by the Chinese Minister to the fact that the bill as it stands makes no provision for the transit across the United States of Chinese subjects now residing in foreign countries. I think that this point may well claim the attention of Congress in legislating on this subject.

I have said that good faith requires us to suspend the immigration of Chinese laborers for a less period than twenty years; I now add that good policy points in the same direction.

Our intercourse with China is of recent date. Our first treaty with that power is not yet forty years old. It is only since we acquired California and established a great seat of

commerce on the Pacific that we may be said to have broken down the barriers which fenced in that ancient monarchy. The Burlingame treaty naturally followed. Under the spirit which inspired it many thousand Chinese laborers came to the United States. No one can say that the country has not profited by their work. They were largely instrumental in constructing the railways which connect the Atlantic with the Pacific. The States of the Pacific slope are full of evidences of their industry. Enterprises profitable to the capitalist and to the laborer of Caucasian origin would have lain dormant but for them. A time has now come when it is supposed that they are not needed, and when it is thought by Congress and by those most acquainted with the subject that it is best to try to get along without them. There may, however, be other sections of the country where this species of labor may be advantageously employed without interference with the laborers of our own race. In making the proposed experiment it may be the part of wisdom, as well as of good faith, to fix the experimental period with reference to this fact.

Experience has shown that the trade of the East is the key to national wealth and influence. The opening of China to the commerce of the whole world has benefited no section of it more than the States of our own Pacific Slope. The State of California, and its great maritime port especially, have reaped enormous advantages from this source. Blessed with an exceptional climate, enjoying an unrivalled harbor, with the riches of a great agricultural and mining state in its rear, and the wealth of the whole union pouring into it over its lines of railway, San Francisco has before it an incalculable future if its friendly and amicable relations with Asia remain undisturbed. It needs no argument to show that the policy which we now propose to adopt must have a direct tendency to repel oriental nations from us and to drive their trade and commerce into more friendly hands. It may be that the great and paramount interest of protecting our labor from Asiatic competition may justify us in a permanent adoption of this

policy; but it is wiser in the first place to make a shorter experiment, with a view hereafter of maintaining permanently only such features as time and experience may commend.

I transmit herewith copies of the papers relating to the present treaty with China, which accompanied the confidential message of President Hayes to the Senate of the 10th of January, 1881, and also a copy of the memorandum respecting the act herewith returned, which was handed to the Secretary of State by the Chinese Minister in Washington.

CHESTER A. ARTHUR.

Max J. Kohler, late Assistant District Attorney for the city of New York, writes to the *New York Times* as follows.

Next May the Geary Chinese Exclusion Act, which passed Congress in 1892, expires by its own limitations, and the question of the advisability of continuing or modifying our present system of treating the Chinese is therefore now a particularly timely one. Our treaty with China of 1880 was the first national move in the direction of restricting Chinese immigration, but even this was in terms applicable only to Chinese laborers, and not to other vocations, and expressly provided only for regulation, and not for an absolute "prohibition" of Chinese labor immigration.

The Federal act of 1882 was, as recited in its title even, intended merely to "execute" these treaty provisions, and was limited in duration by its own express language to ten years, though continued at the expiration of that period for ten years more. It is thus apparent that our statutes heretofore have been only temporary and experimental, and that these tentative measures do not even purport to embody any definite, permanent policy of our Government. In the light of these facts, it is proposed to consider our laws on this subject, in their practical working, to show how they have failed of their ostensible purpose and worked much unintended injury to our own interests, and that they have built up the most un-American, inhuman, barbarous, oppressive system of procedure that can be encountered in any civilized land to-day for the treatment of fellow-men. It is only because the American people have not been truly familiar with the character of this

system, because the Chinese control few, if any, votes, to make them a force to be reckoned with in politics, and because they are popularly regarded as so unlike us as to render their rights a matter not even believed to be calculated to interest our vast reading public, that this system could exist among us for a day.

The writer hereof, during the past seven years, has been compelled by circumstances to make a close and continuous examination of the statutes, treaties, decisions, rulings, opinions, and problems bearing upon Chinese exclusion. During about four years, from 1894 to 1898, he was charged, as Assistant United States District Attorney in New York city, with the duty of representing the Government in this class of cases in the courts for the district including New York city, and since then he has considered and argued many cases under these laws on behalf of Chinese applicants.

INTENTION OF EXCLUSION ACTS.

The Chinese Exclusion Acts proceed, first of all, on the theory that our country and its laborers should be protected against the cheap labor of China. In this aspect the question is in its nature one that arises, though perhaps in less marked degree, with respect to immigrants from many other countries. General legislation, not alone applicable to Chinese persons, would be here more properly in order, and the result would be that we would not then run counter to such fundamental principles of democratic government as find expression in our Declaration of Independence in asserting the equality of all men, and in our existing statutes in proclaiming the inherent right of all men and races to come to reside here and become American citizens. (Sec. 1999 Revised Statutes, United States.) Nor can any one explain why the black man should enjoy all the "rights of man," and the man whose skin is yellow be treated by the law as an outcast because of such difference of shade.

Moreover, in their special application to Chinese persons, the question arises whether we are not sacrificing trade interests of enormous magnitude, involving millions of dollars per annum, in order to continue on our statute books ineffective prohibitions. In any event, it is apparent from an investigation of the workings of our present law that its real aims and ostensible purposes are obscured through faultily drafted laws, so that non-laboring Chinese merchants are, in fact, in chief

measure excluded by laws aimed only at laborers. But, whatever views may be entertained as to the propriety of excluding Chinese laborers, or even all Chinese persons, no one familiar with the facts can justify our present disgraceful exclusion procedure and its workings. It is without parallel in its injustice, brutality, and inhumanity.

Chinese persons, who have violated no law, municipal or moral, or, rather, persons appearing to be Chinese subjects—for they are as likely as not to be American citizens of Chinese extraction, and may not have left the country for years, or ever—are now constantly arrested and are treated, not merely as felons by our laws, but every restraint upon executive action embodied in our Federal and State Constitutions as Bills of Rights, for the defence even of felons, is here ignored and violated, notwithstanding the fact that we proudly point to these clauses, safeguarding individual liberty, as our dearest Anglo-Saxon heritage from the centuries past. A careful study of this procedure system convinces me that the system devised for the expulsion of the Moors from Spain and of the Jews from Russia in our day, which have aroused the indignation of humanity, are gentle and humane compared with the barbarities of our existing "American" methods for the deportation of alleged Chinese persons. That all this has been done by us in bold and unconcealed violation of our National faith, as expressed in solemn treaties, can scarcely palliate our actions. Of course the argument that because we once broke our National agreement, we are justified in doing so again, is beneath notice.

BUSINESS INTERESTS INVOLVED.

Naturally, one of the most important questions underlying this problem is that of the utility and value of international trade of this character. If these statutes could be regarded as designed to prevent free commercial intercourse between the United States and China, they would, of course, run counter to the whole trend of civilization and trade of the past few decades. European States have been vying with each other to secure for themselves these golden opportunities of trade with China, and the United States has eagerly sought and successfully secured its own standing in connection with the Chinese "open door" policy.

But, although the United States Supreme Court did, as recently as February, 1900, say that the purpose of our laws, re-

quiring certificates of admission from Chinese non-laborers "was not to prevent the persons named in the second article of the treaty (of 1880) from coming into the country, but to prevent Chinese laborers from entering under the guise of being one of the classes permitted by the treaty. It was the coming of Chinese laborers that the act is aimed against—" still there is, in its practical workings, only too much truth in the indictment of our policy, contained in a very able article by Ho Yow, Chinese Consul General at San Francisco, on this subject in the *North American Review* (September, 1901), in which he points out that we have built a Chinese wall around our territory, having none of the justifications of China's act of centuries ago, and that at a time when even China's ancient barrier is crumbling to ashes.

He further remarks: "The gala days of San Francisco's life and happiness were during the years that preceded 1880. The passage of the exclusion laws operated as a cone over a lighted candle. Chinese residents in California withdrew from industry, reduced their properties to coin, and with it returned to China, scrambling out of a country which they deemed inhospitable and unsafe. Business dried up. Trade with China, which had been advancing at the rate of a million a year, fell off \$7,000,000 in two years. It never revived until Dewey's victory. During the interim San Francisco lost \$200,000,000 of business in her trade with China alone.

* * * Merchants of the Pacific Coast talk of the vast market of the Orient for their goods. That market is as truly closed to them as the life of a Shan-tung oyster. Prof. Davidson tells that in 1897 the trade of the Pacific amounted to over \$2,000,000,000. Of this, 50 per cent. went to England. The share of the United States was less than 7 per cent., and that part which fell to San Francisco was too fractional to consider; San Francisco could as easily have had the 50 per cent., but in order to get it she must have Chinese labor."

CERTAIN LABORERS EXCEPTED.

The treaty of 1894 absolutely excludes Chinese laborers, except that Chinese laborers registered in the United States are permitted to return to the United States when they have a certain amount of property or certain relatives here and have secured a specified certificate before leaving for China, evidencing their right to return; the limits upon this right, set forth

in the treaty and the regulations of the Treasury Department thereunder, need not be further considered. Under the act of 1882, as amended in 1884, 1888, 1892, and 1893, Chinese persons of the classes privileged to enter were permitted to come to the United States upon producing an appropriate certificate from their government, visaed by the United States consular or diplomatic officers at the port of departure for the United States; this class expressly includes "officials, teachers, students, merchants, or travelers for curiosity, but not laborers."

The wives and minor children of Chinese persons themselves authorized to enter or remain in the United States, and not themselves laborers, may enter without the certificate in question (*United States v. Mrs. Gue Lim*, 176 United States, 459). Returning merchants, instead of giving the certificate above mentioned, were required to furnish certain evidence as to their status by means of non-Chinese witnesses by the later act of 1893. Of course, citizens of the United States by birth, of Chinese extraction, are not excluded by these laws, which, under the Constitution, are inapplicable to them. (*United States v. Wong Kim Ark*, 169 United States, 649)

The registration provisions of the act of 1892, amended in 1893, require no consideration here, as they merely obligated Chinese laborers to register, making it permissive for non-laborers to do so, the requirement being applicable only to Chinese laborers residing in the United States at those dates. This provision has become largely nugatory by mere lapse of time, and is seldom invoked to-day, because persons who were then laborers in the United States could, without much hardship, register within the six months provided to do so; those who neglected to do so have pretty nearly all been deported by now, and the act is not mandatory upon non-laborers nor persons who were not laborers residing within the United States in 1892 or 1893.

It is only in connection with the limitation to six months from November, 1893, within which to register, that this provision has, in itself, apart from its harsh penalties and procedure, worked much hardship, for only registered laborers can secure laborers' return certificates, and the Treasury Department has ruled that persons who are laborers, on leaving for China, or when they seek to re-enter the United States, are prohibited from entering, being without such certificates, although they were not required to register at the time of the passage of the acts. The result is that there is a class of per-

sons, authorized to be and remain in the United States, who forfeit their right of entry if they leave the country, although other laborers of the same kind may obtain leave to return to this country upon producing their registration certificates. If the fact of being a Chinese laborer be regarded as the evil aimed at, these unfortunates did not do enough evil to be permitted to return, because if they had been laborers already in 1892 or 1893, instead of merchants, and had registered as such laborers, their right of re-entry would be clear. Surely such an absurdity should be eliminated by granting a new opportunity to persons to register who did not register from 1892 to 1894.

TWO CLASSES OF APPLICANTS.

Summarizing existing provisions of law, then, we notice, roughly speaking, that there are two classes of persons with whose applications for admission into the United States the Government has to deal: (1) Those who are of the privileged non-laboring classes, seeking to enter for the first time, and (2) the class of Chinese persons returning to the United States. As to the former class, if it were clearly stated in our enactments that every member of the privileged classes must have a certificate from the Chinese Government or consular officers in order to enter, that all non-laborers are entitled to such certificates, and that the United States officers should visé the certificates with reasonable liberality and fairness, and not withhold the same capriciously, unreasonably, or for mere technical defects, there would be little hardship in such provision, apart from possible harshness in its administration. Moreover, such simplifications would do much to make our laws more effective.

But, in fact, only a small fraction of Chinese persons applying for admission during the past few years have applied under such certificates, partly because of the heavy obstacles put in the way of securing such certificates and their visé in China, partly because substantial merchants have been frightened off by our anti-Chinese policy, and partly because the great majority of persons have claimed to be Chinese persons returning to the United States, either (1) as returning merchants or non-laborers after temporary visits to China, or (2) as citizens of the United States by birth, whether laborers or non-laborers, and it has been obvious that the large majority of these "American citizens" are in fact laborers.

Most of the difficulties attending the Government's enforcement of the law have arisen with respect to these "citizen" cases, and the legal problems involved are such, in their nature, as defy treatment along the theory of the exclusion laws, as purely political, non-criminal proceedings, valid only as to aliens, in which jury trial is denied, and the burden of proof is thrown on the defendants to rebut every conceivable claim that the Government may make thereafter, unlike our much vaunted principles of law as to the burden of proof applicable even to civil cases.

Immigration of Chinese to the United States was invited by our treaty of 1868 and not restricted, even as regards laborers, till 1882, and thousands came to the United States from 1868 on, including many women, as shown by our census. There are now very many Chinese persons who, as citizens, are theoretically as effectively beyond exclusion by Congressional action as any white persons born here can be, under the decision of the Supreme Court. There were 105,000 Chinese in the United States in 1880, according to the census of that year, and 106,000 in 1890; while 48,000 more Chinese are supposed to have left the United States during this intervening decade than are reported as having been admitted by Treasury officers, and many thousands were barred by the act of 1888, which by such *ex post facto* action invalidated laborers' certificates, valid when their holders left the United States in reliance upon them. To-day, probably, a very large percentage of Chinese persons applying for entrance into the United States do so under the plea that they are citizens by birth; a claim that is undoubtedly true as to many.

CITIZENS OF CHINESE EXTRACTION.

Some efforts in the direction of limiting the entrance of American citizens of Chinese extraction were made recently in the shape of a bill which passed the House of Representatives at the last Congress on February 1, 1901, before its character was known, but failed of passage in the Senate, and was obviously unconstitutional, as well as oppressive and unwise.

The other class of returning Chinese persons is made up principally of merchants. They had commonly secured the certificates required of privileged persons on an original entry, until the Supreme Court came to their assistance by a liberal

construction of the statute in their favor, in 1892, by holding that the certificate provision was not applicable to Chinese merchants domiciled in the United States and returning here. To meet this, however, a new statutory provision was introduced into the McCreary law in 1893, without consideration in Congress, making it incumbent on every person basing his claim for re-entry upon the fact of being a returning merchant, to establish the fact as to his being such a merchant as defined by the act for at least one year before his departure from the United States by the testimony of at least two credible witnesses, other than Chinese.

The result of this provision has been, and still is, to make the difficulties in the way of a Chinese merchant's returning to the United States, after a trip for business or sentiment or other consideration to places outside of the United States, almost insurmountable, if he and his witnesses speak the truth.

The first difficulty they encountered was that nearly all Chinese merchants do business under corporate "fancy" names, denoting good luck and the like, and are in the nature of corporations, in which there are a number of co-partners. Yet was this law not a bar to their return, since each individual was bound to show that the business was "conducted in his name?" At first sight it seemed to be clear that this was the legislative intent; the Attorney-General so ruled (21 Opinions Attys. Gen. 5); the Treasury Department (Syn. Dec. 14,877) excluded thousands; the United States District Court in San Francisco so held (*in re Quan Gin*, 61 Fed. Rep. 395, 641.) But this was a matter of vital importance to the mercantile interests of the Pacific Coast; race jealousies and business envy on the part of the "labor" vote could not resist their pressure, and accordingly the Circuit Court of Appeals in California "liberally" construed this statute, and eliminated this requirement by judicial construction (*United States v. Lee Kan*, 62 Fed. Rep. 914.)

The United States Supreme Court declined to reverse this holding.

But there are more serious, practical difficulties than this. It is obvious, from the very nature of things, that few Chinese merchants are so placed as to be able to secure the evidence of credible non-Chinese witnesses as to all the requisite facts, including their non-performance of manual labor for a year before departure from the United States. Few credible white

witnesses could so depose about their own brothers, for instance, if this provision be construed too literally. Yet it is always in the power of any Chinese inspector to make a practically unreviewable decision on this question of fact, excluding the merchant. Moreover, whole classes of persons, including "traders," are excluded under the restrictive definition of the Treasury Department and the California courts.

Under these conditions it is obvious that Chinese merchants may well believe that something in the nature of "forty years' wandering in the desert" is before them, before they can re-enter this "promised land," and it is apparent that such conditions as these, added to the possibility of their entry being constitutionally cut off absolutely during a brief visit to China, by new *ex post facto* laws, such as Congress has in the past enacted, can scarcely serve to induce naturally clannish and conservative people like the Chinese to carry on extensive trade dealings with the United States. In fact, the difficulties of re-entry as merchants are so great that there is reason to believe that *bona fide* Chinese merchants do, on occasion, even make false claims to American citizenship by birth, in order to secure re-entrance!

BARBARITIES OF DEPORTATION.

As to the procedure to effect deportation now being pursued there is the greatest room for improvement and modification. If we had a National law easily understood and sustained by public opinion we would have no more trouble in this class of cases than arises as to alien immigration in general. Scarcely any of these general alien cases get into the courts. The laws are based on rational principles, and though errors in administration doubtless occasionally bar out persons whom the courts would admit, if the matter were open for consideration there, still paupers, prisoners, and contract laborers are dealt with definitely and finally upon arrival, without any need of subsequent deportation proceedings or of stirring up trouble as to alleged entries months or years after the person acted.

Of course, if such principles of non-reviewability were applied to Chinese exclusion, an efficient and reasonable as distinguished from an arbitrary, narrow, and technical administration of the law would be necessary to give satisfaction to both Chinese persons and our own people, and the present ideas imbedded in our statutes under which Chinese persons

are treated as people unlike all others, having practically no rights that our petty or high officials or other citizens need respect, must be first completely gotten rid of.

Our laws should no longer lend color to public judicial utterances that the Chinese are "pariahs, wholly without rights under our laws," as concerns anything touching on deportation, and the present mockery of the language of our treaty with China giving them "for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favored nation," should be transformed into what it is ostensibly, an international obligation, to which we have plighted our National troth, and not be contradicted by such deportation provisions, masquerading in the language of the treaty of 1894 as requirements enacted "with a view of affording Chinese laborers better protection!"

When it will no longer be regarded as tantamount to a high crime or felony to be a Chinese alien such purely administrative treatment of the rights of Chinese aliens can be safely authorized. Then presumably marshals executing warrants of deportation will not dare openly to say that if one of their victims escaped they would lose no time in going to "Chinatown" and grabbing any other to substitute for him to cover up their neglect, and Chinamen who have taken appeals allowed them by law with specific judicial provisions suspending execution of orders of deportation would not be spirited away, while the officers evade service and direct knowledge of the orders by keeping in hiding devising novel and mysterious methods of carrying off their "human prey" in evasion of writs of *habeas corpus* and notices of appeal with stays of execution. While such methods as these are resorted to by our many Government officials—and they are at present in numerous instances, to the personal knowledge of the writer—there is an atmosphere of oppression and prejudice and intolerance surrounding executive investigations which make them in fact "mockeries."

THE CHINESE PERSECUTED.

No one appearing to be a Chinese person is safe from these prosecutions and hardships. Though he may have lived for years in the United States, or even never left the country and be of the classes not able or not required to register in 1892 to 1894, nevertheless he may be arrested and subjected to such treatment without even hearsay evidence against him.

Judge Coxe, in the United States District Court for the Northern District of New York, in the case of the United States *v.* Wong Chung, 92 Federal Reporter, 141, in discussing one of these administrative determinations, well said "He was turned back without even the pretence of a legal investigation. He was arrested, imprisoned, and ordered back to China without a single fact to warrant such a course appearing on the record. The action of the collector was based upon an irrelevant rumor. It would be a misnomer to call it hearsay evidence; it was not evidence at all. In an ordinary conversation, Mr. Clemenshire told the collector not what he knew, but what he had been told by some unnamed person. It was conjecture only. It was the merest shadow, not the shadow of anything tangible, nebulous, and attenuated shade. It was 'such stuff as dreams are made of,' and the collector could have justified his course as well by asserting that it was dictated by a communication from the spirit world, or that it was supported by the revelations of the Koran. No man whose brain is in a normal condition would regulate the most trivial affairs of life upon such information." (Compare similar criticisms by Judge Lacombe, *in re* Chinese Relators, 58 F. R. 554.)

Nor are these isolated cases. Such an unjust result is almost a foregone conclusion when it is remembered that the Treasury Department keeps its investigations, evidence, and reports in these cases secret under general regulations, and treats all this as confidential information, thus making it not merely impossible for the applicant and his attorney to refute the Government's claims or suspicions against him, but even to ascertain what these are. Moreover, it is obvious that the opportunities for blackmail, extortion, and corruption under such conditions of terrorism are infinite, and that these opportunities are in fact availed of on occasion is evidenced by the fact that the Government itself has been compelled to institute criminal prosecutions against such Government officers in at least three different States during the last few years, each case involving independent facts. Nor can any real relief be afforded except in very unusual cases, by the appeal to the Secretary of the Treasury provided by law, because of the overwhelming numbers of the cases, their *ex parte* treatment, and the circumstance that questions of fact are constantly presented which are in their nature almost non-reviewable.

Numerous suggestions and recommendations may, of course, be made as to the proper scope of proposed new legislation or treaty provisions regarding the Chinese. It should be noted that a strong reaction* in favor of Chinese laborers and a recognition of their economic value to us seem to be marked throughout our country, not only in the East, but also in the South, and even somewhat along the Pacific Coast, where the trade interests at stake are now being recognized, and it is taking the shape in some portions of recommendations for a total repeal. Apart from considerations already noticed, it must be conceded that the Chinese laborers are honest, frugal, law-abiding, and amiable, and that often great intelligence is hidden under their docility. As Col. Ingersoll said of the deportation law: "This law makes industry a crime, and puts one who works for his bread on a level with thieves and the lowest criminals, treats him as a felon, and clothes him in the stripes of a convict."

To these facts may be further added the circumstances that our present system is expensive and wasteful, and that its general effects upon our administrative and judicial officers and people generally, are deteriorating and demoralizing. In fact, in the northern part of our State, at Plattsburg, where upwards of a hundred claimants to American citizenship, the right to which was in some instances subsequently sustained in the courts, were confined for months in one jail; several died this summer from a sickness which siezed upon nearly all of them, as a result of their confinement and terrible treatment, having no justification except a differentiation in the color of their skin or the shape of a feature.

Perhaps the strongest indication of our demoralization is that the incident did not attract enough attention even to get into the newspapers. But the effects upon liberty and personal right and justice in general in our country are indeed serious, and bring them all into disrepute and disregard, when all the constitutional safeguards contained in our Bills of Rights, valued and praised by us so highly as the most cherished development of Anglo-Saxon liberty in effectually protecting individual rights against executive assault, can be ignored, violated, and scoffed at by a wholly unprecedented Frankenstein system, violative of every one of them.

The only reason that could be assigned for disregarding these safeguards, and permitting arrest upon warrants not under oath, unreasonable searches and seizures, an extraordinary

and oppressive reversal of burden of proof, denial of right to process for obtaining witnesses in one's own favor, denial of impartial and jury trial in the vicinage, opportunities to make one's defence where nearly all the witnesses for the prosecution and the defence, as well as friends reside, imprisonment for indefinite periods, running at times into years, and being put upon a diet and other conditions unusual and injurious to health and even life, denial of provisions for reasonable bail, the only reason that could be assigned, and that was assigned, is, that these cases, though in fact criminal, should be labeled otherwise and given a new name devised for the occasion and the emergency!

It is not surprising that distinguished lawyers like Joseph H. Choate and James C. Carter should have pronounced these laws unconstitutional, particularly in their bearings on aliens actually and peaceably living here, and that Chief Justice Fuller, Justice Field, and Justice Brewer should have vigorously dissented from the view that they are constitutional, and that the whole Supreme Court bench should have expressly disavowed any expression of opinion as to "the wisdom, the policy, or the justice of the measures enacted by Congress in the exercise of the powers confided to it by the Constitution over this subject" as regards aliens. (*Fong Yue Ting v. U. S.*, 149 U. S.) When our courts of justice find themselves bound to sustain laws notwithstanding their "injustice," conditions are indeed serious.

PROPOSED REMEDIES.

But the question of a total repeal of the Chinese Exclusion Acts, including the labor exclusion provisions, as distinguished from a removal of these unnecessarily gross abuses and brutal penalties, involved serious objections. Many persons to-day doubtless favor placing restraints upon "pauper labor" immigration by new enactments, not merely discriminating against Chinese persons. Some of our greatest statesmen and thinkers are divided on this question, and the only possible justification, however inadequate, of our Chinese exclusion laws, lies in this economic consideration of injury to be wrought by further inroads of Chinese laborers, lowering wages, and competition with non-Mongolians.

Here, too, a medium course may be the wisest, and new temporary provisions, debarring Chinese laborers not provided with a certificate to be prescribed by law, may be still expe-

dient. But in any event, there is no occasion for a continuance of our present unjust, oppressive, and demoralizing deportation system. Either by statute or by a new treaty, all existing provisions might be repealed, and a new enactment substituted, providing that all non-laborers may enter upon production of a certificate of identity, to emanate, in the case of new arrivals, from the Chinese government and visaed by the United States Diplomatic or Consular officers at the port of departure for the United States, while in the case of Chinese consular officers here might be authorized to issue the certificate, and the visé be by our own Treasury officers. All persons not laborers ought to be permitted to secure such certificates.

If the certificate be made mandatory, reasonable opportunities for residence in the United States under reasonable bail for a few months ought to be afforded, so as to enable lost or technically irregular certificates to be replaced, so that such unfortunate will no longer be deported because, for instance, the Chinese government issues a certificate to him in Chinese instead of English, or because our consular officers fixed a defective visé.

While the statutory definition of "laborer" might be retained, if the strong arguments of the Chinese Consul General as concerns certain branches of labor at least be not accepted, and the provisions as to "skilled" labor at least dropped, in analogy to our contract labor law provisions, the oppressive statutory definition of "merchants" and the unwise enumeration of certain classes of non-laborers should be dropped. Right to review in the courts adverse decision excluding Chinese persons ought to be afforded, for some time at least, and the situation in that respect brought back to what it was before the act of 1894, made the executive officers' rulings non-reviewable. This would include the claims of Chinese persons, laborers or non-laborers, claiming American citizenship, which get into the courts even now in spite of the exclusion laws, pursuant to the Constitution, and to-day constitute the bulk of cases arising.

Chinese laborers who are residents of the United States, but not citizens, might be permitted to re-enter upon production of a certificate similar to that now exacted, but for the sake of simplicity of administration with the easily evaded property or relationship provisions eliminated, such certificate to be based upon registration certificates already issued, or

hereafter to be issued, to Chinese laborers. To-day conditions are such that Chinese laborers have learned to value and cherish their registration certificates and realize their protective character, and no serious antagonism would be aroused by a new law requiring registration *de novo*, much less by one authorizing Chinese residents not yet registered to register now.

LET THE GEARY LAW BE DROPPED.

The consular visé should be granted with reasonable liberality, and not be capriciously or for mere technical reasons withheld; it should be granted without expense so as to eliminate the danger of bribery in Oriental lands, and the certificate thus visaed ought to be made conclusive evidence against as well as for the Government of right of entry, except, of course, in the case of forgery. If judicial deportation proceedings should be insisted on still for unlawful entry—though they really would under such conditions be no more necessary than they are now necessary or resorted to in cases of non-Chinese aliens in general—they should be based upon complaint on oath and subject to the procedure applicable in criminal cases, and the oppressive and anomalous provisions of the Geary law, first introduced by that act in 1892 upon the comparatively harmless Chinese deportation provisions previously existing on our statute books, should be dropped.

Above all, both in the interest of the applicants and the Government, these cases should be tried at the large cities where the defendants reside or were bound to, where the witnesses reside, where the friends of the prisoners are to be found, where bail is reasonably obtainable, where the judicial facilities are better, where a fair trial is most assured, and where the expenses of securing attendance of witnesses and proceeding in general are lowest, and thus the corrupting opportunities for "mileage" and "expenses," arrangements by which Government witnesses in these cases are now often suborned to testify falsely, will be minimized and perjury avoided. The Government itself at one time saw the advantage of this course, and by Treasury regulations directed it to be taken; but in the search for more "efficient" administration of the law the rights of the accused were ignored, this direction was rescinded, and the present system adopted.

In fact, however, it is a remarkable fact that in the course of the treaty negotiations which culminated in the treaty of

1894 between our Secretary of State and the then Chinese Minister, China protested against the oppressive character of these judicial proceedings after entry, even in the mild form in which they were established before the Geary law, and required that judicial deportations should cease. Secretary Bayard acquiesced in the proposition, and Article III of the subsisting treaty was framed by changing a prior draft thereof and substituting the words "may produce a certificate" for "shall, in accordance with Section 6 of the law of July 5, 1884," and the words "as required in said section" were eliminated, so that the old certificate of non-laborers was replaced by a new one, the provisions were turned into a directory instead of a mandatory one, and the old-time penalty of the statute "for entering without the certificate in this act required" fell because the old certificate was no longer required at all, and the new one was made directory merely, and no lawful deportation for entry without it has been provided for, either in the treaty or by subsequent statutes. (See Foreign Relations of the United States, 1888, Vol. I, pages 368, 370, and 371-3.)

MEANING OF TREATY IN DOUBT.

The question whether the treaty has not eliminated this deportation provision and left the enforcement of the law to executive action by way of exclusion alone is now before the courts, but whatever may be decided on this question of law, it is clear that both China and our country desired to eliminate this procedure provision, and if the treaty does not, in fact, express such intent, it was because either one or both of the contracting parties failed clearly to express their avowed intention. Of course, provisions for counterfeiting certificates prescribed by law and for punishing, knowingly introducing, or aiding in introducing Chinese persons forbidden by law to enter, should be continued. Reasonable bail should be specifically authorized, and every other provision of the law and the treaties as to immigration, registration, and procedure should be specifically repealed.

This system would eliminate all complications from every source, except perhaps false claims of citizenship, but even these would drop, under a rational law, unoppressive in character, and they would be easily refuted, since nearly every Chinaman in the country, including citizens of the United States by birth, of Chinese extraction, would be glad to regis-

ter in self-protection, and thus there would be convenient methods at hand for rebutting such claims. These claims would further decrease if an additional step be taken to solve this Chinese problem, eradicate the evils supposed to be underlying it, and Chinese residents of the United States placed on an equality with negroes by giving them an opportunity to become American citizens upon compliance with all the conditions applicable to all other races.

Our civil war, it may reasonably be stated, went far to establish the fact that statements in our Declaration of Independence regarding "all men being created free and equal," were no mere glittering generalities, but an essential foundation stone of our democracy. It carried with it, as a result, the Fourteenth Amendment to the Constitution, which placed citizenship by birth upon a firm and unassailable basis, and compelled a holding in the case of the United States *v.* Wong Kim Ark, 169 U. S., that non-diplomatic Chinese persons born in the United States were "persons born within the United States, subject to the jurisdiction thereof," and as such "citizens of the United States and of the State wherein they reside."

CHINAMAN AND NEGRO.

Among their privileges and immunities as citizens by birth is, as we have seen, exemption from our Chinese Exclusion Acts. Unfortunately, in framing the revision of our naturalization laws in 1870, by expressly conferring the right of naturalization upon negroes, the original statute was amended by adding to the clause making the naturalization clause applicable to "white aliens being free white persons," merely the words "and to aliens of African nativity and to persons of African descent." It has commonly been assumed and decided, though without much consideration, that Chinese persons were never authorized by our general laws to become citizens by naturalization (but see *in re Rodriguez*, 81 F. R. 337, 349), and a prohibition upon their naturalization was expressly placed upon our statute books in 1882, and is recognized in our treaty with China of 1894.

In fact, however, already in 1870, when blacks were granted the right of naturalization, Senator Sumner had urged the use of terms that would have included all races, and it was partly because of prejudice against the Chinese and Japanese on the part of a few, then already making itself felt, and principally

because of general indifference, except as concerned negro voters' rights, that the exclusion of Mongolians from the privilege resulted. (Cong. Globe, 1869-1870, Pt. 6, p. 5121.) It is apparent, however, that the element of maintenance of national faith involved wholly escaped attention, and that all Chinese persons who came to this country from 1868 until 1882 came here not merely in reliance upon abstract American principles of equality of men and equal rights to citizenship, but under the pledge of the treaty of 1868, which in terms contained a recognition by both countries of "the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of free migration and emigration of their citizens and subjects, respectively, from one country to the other, for purpose of curiosity, of trade, or as permanent residents." If, in the past, naturalization of Chinese has not been authorized by our statutes as a matter of national good faith, it should have been certainly as regards people who came over from China between 1868 and 1882, and there are still many of these in this country anxious to become American citizens and to rebut the assumption that they cannot be Americanized or assimilated.

TRUE SOLUTION OF THE PROBLEM.

But this measure is urged, not simply upon considerations of abstract justice and good faith, but as looking to the true solution of this Chinese immigration problem. These exclusion laws have, in the past, been justified on the score of economic necessity, in order to check lowering the rate of wages of labor in general, and because the Chinese are supposed to be unwilling to assimilate with us. The latter proposition can be disposed of in a few words.

Instead of welcoming them like other aliens, we have denied American citizenship to the Chinese, discriminated against them as against no other race, degraded, oppressed, and insulted them, and established this monstrous deportation and exclusion system against them, which is based upon the assumption that they have none of the "rights of man." How could we possibly expect them to be assimilated, as other people are? Yet, in fact, in each of our large cities well-attended schools have been opened specially for their instruction, particularly by different Christian missions, and especially their minor children are becoming masters of our language, our habits, our customs. Numbers of them have left their "China-

towns" and settled "up town" among us; many have adopted our costume, even cut off their queues, and have become converts to Occidental religious faiths.

Their women, as far as we permit them to, are coming over in increasing numbers to settle here permanently. Some of the men have entered our professions, are to be found at our colleges, have chairs in Chinese opened for them at our universities, even marry worthy American wives, whom they encountered in Chinese Christian missions. The remarkable fact is, not that they are not willing to assimilate with us, but that they should have assimilated with us as much as they have. And herein lies also the solution of the Chinese labor question.

Even of their laborers, those that mingle with us and become more or less fully Americanized, particularly those living outside the Chinese quarters, to which custom and assaults from without direct them, rapidly learn that they are economically equal to other men of other races, and their ideas of equality assert themselves first of all in their charging as much as other men, as much as our general economic laws of supply and demand permit. Americanization and assimilation are the deadliest foes of "starvation wages." If it be deemed best to continue excluding laborers, while abolishing our present iniquitous procedure system, rapid assimilation and Americanization will go on. The more Americanized and intelligent among them, whose lives are in fact, if not in name, linked to this country and not to China, and who are clamoring for an opportunity to become American citizens in name as well, would be most useful allies in such work of Americanization. And, needless to say, an enormous increase in our percentage of the Oriental trade would follow in the wake of a rational and satisfactory solution of the immigration problem.

THE NATURALIZATION QUESTION.

The rights of Chinese merchants residing here, too, would be protected, if they were permitted to become naturalized American citizens, and thus taken outside of the operation of these laws, to the same extent that Chinese born here are now. Through some recent Congressional legislation, perhaps by mere inadvertence, all Chinese residents of Hawaii have become citizens of the United States (Synopsis Treasury Decisions, No. 22,913), though the wisdom of such a general and indiscriminate naturalization is doubtful. Yet have we a right

to deny this privilege, while granting it unconditionally and without discrimination to all Chinese in Hawaii, to Chinese non-laborers who have resided here at least five years, who, even under existing laws, would be required to prove the facts under close scrutiny as to their residence in courts of law, in part at least by non-alien testimony, and place themselves on record, as wanting to adopt as their permanent home this land, which has welcomed with open arms all other aliens wishing to settle here and ostensibly still seeks to enjoy the reciprocal value of their residence and trade here, and our domiciles and trade in their fatherland?

That Chinese persons would welcome such an opportunity to become citizens is evidenced, not merely by their own wishes, freely expressed from time to time, but by their futile applications in the past and by the few cherished naturalization certificates possessed by a handful of their number, void, perhaps, on their face, but issued here and there by order of some magistrate, who was ignorant of the fact that he was violating the law of the land in failing to discriminate against Chinese applicants for naturalization because of their "race, color, or previous condition of servitude"! Of course, the naturalization certificates purposed to be issued to Chinese persons, like all other certificates herein referred to, may properly be required to have attached to them a photograph of the Chinese applicant, such as is required under the registration certificate under the McCreery Act of 1893, in order to prevent fraud and false personation.

Charles Sumner's words, spoken in the Senate in 1870, before the exclusion acts were framed, are still pertinent, and in view of our labor exclusion laws to-day, still more unanswerable:

"Senators undertake to disturb us in our judgment by reminding us of large numbers swarming from China, but the answer to all this is very obvious and very simple. If the Chinese come here, they will come for citizenship or merely for labor. If they come for citizenship, then in this desire do they give a pledge of loyalty to our institutions, and where is the peril in such vows? They are peaceful and industrious. How can their citizenship be the occasion of solicitude?"

In such ways we could not merely give relief to the oppressed Chinese residents, while restricting further Chinese labor emigration, and do away with a system of exclusion and deportation that is a blot and disgrace upon our national fame,

but a simple, inexpensive, just, and unoppressive mode of treatment of Chinese aliens would be assured, and exclusion laws would be made more effective, and we would secure valued Chinese trade concessions and connections of incalculable value, and we would best serve the aims of our own American laborers by preventing "cheap Chinese labor" now in the country from injuring laborers of other races, by lowering or keeping low standards of wages'. And it would no longer be necessary for our Government to hide itself shame-facedly behind other governments, while making requests for trade privileges and concessions and right of residence for American citizens in China, in order to avoid the inquiry as to whether American civilization has afforded similar rights in America to Chinese merchant princes!

His Excellency, the Chinese Minister, Wu Ting Fang, in his address at Ann Arbor, to the students of the University, spoke as follows:

Confucius said: "When I walk along with two others, they will serve me as my teachers. I will select their good qualities and follow them; as to their bad qualities, I will avoid them."

This is the mental attitude of an observing student bent upon self-improvement. In the study of your institutions, I have striven to hold myself always in readiness to learn, with a view to profitable comparison. I fully appreciate the excellence of your political, economical and educational systems. Too much praise cannot be accorded to the founders and statesmen of this great Republic for their wisdom and foresight in providing for the growth, development and government of the country. But it cannot be denied that, excellent as those systems are, they are not yet perfect, that is, suited to all requirements, at all times; for the work of man cannot be perfect. All things in this world are in course of change, and we must change with them to keep up with the times. Progress is essential to life. China has been too much wedded to the past. The result is that she has to suffer for it. Her institutions, system of education, literature and government are all products of an age that is past. They were amply sufficient, indeed, to meet the demands of national development when the country was practically isolated from the rest of the world. But in these days of progress and international

intercourse, they are woefully inadequate to satisfy the present needs. So some defects have, no doubt, been found in the past in the working of the American system of government, and it is not unlikely that other defects may be discovered in the future. It is the part of wise statesmen to rectify them to suit the circumstances and requirements of the times. I am sure you would show more respect to the man who as a sincere friend points out the faults he has found in you, than to the man who glosses over your shortcomings and overloads you with fulsome flattery.

I have come to this University at the joint invitation of the Students' Lecture Association and the Good Government Club. As these societies, if I am not mistaken, are founded chiefly for the discussion of questions affecting the welfare of this country, it may not be inappropriate for me, as an outsider, to venture to lay before you the results of some of my observations.

The freedom of speech and of the press, I understand, is the corner-stone of American liberty. The Constitution of the United States rightly forbids the Congress of the United States to abridge this valuable right. In this connection, I may mention an incident from ancient Chinese history, in support of the freedom of speech: About eight centuries before the Christian era, there ruled over China a king whose oppressive measures stirred up a great deal of public discussion and adverse criticism among the people. One of his ministers, the Duke of Chao, informed the monarch of the dissatisfaction of the people. The king was very angry and employed soothsayers, who were supposed to have the power of reading minds (as some clever people profess to be able to do nowadays), to keep a sharp lookout for what was said against him. Every offender reported to him was at once put to death. The people were for a time awed into silence, and could only communicate their dissatisfaction by expressive looks in the streets. The king was quite pleased with his success in this regard and boasted to the Duke of Chao, that he had put a stop to all criticism of his acts and measures. His minister at once replied: "This is gagging, pure and simple. To stop up the mouth of the people is worse than stopping up the mouth of a stream. A stream when obstructed will break down all barriers, and spread devastation on all sides. So it is with the people. For this reason those who have to do with streams always endeavor to

clear the channel of every obstruction and allow the water to have an uninterrupted way to the sea. It is in like manner to the interest of those who have to do with the people to be tolerant and permit the utmost freedom of speech. The mouth speaks what the heart dictates. Why, then, resort to gagging?" This sensible advice and warning was not heeded by the prince, and it is recorded that soon after he had to flee from his kingdom to save his life.

It will be seen that the Chinese, as well as the people of this country, regard freedom of speech as a political possession of paramount importance. Indeed, they do not hesitate to use all the resources of the Chinese language in exposing rottenness and corruption in high quarters. Oftentimes even the Emperor does not entirely escape their fearless criticism. But, so far as my observations go, I believe that freedom of speech is carried to a much greater length in this country than in China. I have observed that libellous attacks upon the reputation of private men have often been allowed to go unpunished. In these days of sensational journalism, no one is safe from invasions upon his privacy. All of a sudden a search-light may be turned upon a man's private life, and all his long-buried past is exposed to the public view. This is not all. Sometimes stories which have no foundation in fact are printed in the newspapers which are calculated to hold a person up to public ridicule and scorn. The victim of such an outrage has practically no adequate remedy. The mischief is already done. To vindicate himself before the public by resorting to legal proceedings is an expensive, and, on the whole, unsatisfactory and tedious process. As a rule the publicity of such a step is like jumping from the frying-pan into the fire.

But there is a more serious consequence to which the abuse of this fundamental right leads. I have in mind the spreading of pernicious doctrines through the country. The creed which aims to destroy government should not be allowed to gain foothold anywhere. It is like an epidemic which must be stamped out; else it will spread by infection. It is hardly necessary for me to remind you of the great calamity that has lately befallen the American nation. The blow has come home to every good citizen who has the welfare and prosperity of the country at heart. Every intelligent and thinking man cannot but perceive that the assassination of President McKinley is the natural fruit of the anarchistic propaganda in

this country. It seems there is urgent need of enacting laws to stop the further spread of anarchism. But how to attain this end and at the same time not to abridge the freedom of speech and of the press is a problem that wise statesmen and legislators of this country have to solve, which I do not doubt they will be able to do.

The contest between capital and labor is one that deserves the serious attention of every public man. There is no denying that capital is a power, and as a species of power it is liable to abuse. It may be the means of oppressing the poor as well as that of benefiting the needy. It has been said that capital is antagonistic to labor. Why this is so is difficult to comprehend. In the production of wealth, one is as essential as the other. Without labor, capital will have to lie idle. Without capital, labor will remain unemployed. One is the complement of the other. There should be a better appreciation of the rights and duties of both. I have been struck with the tremendous power wielded not only by big combinations of capital, called trusts, but also by combinations of labor, called labor unions. The industrial and economic conditions in America require the organization of labor as a practical necessity. When properly conducted labor organizations are productive of much good; for here as well as elsewhere, "union is strength." But I must confess that I do not always see the necessity of resorting to strikes as a means of bringing employers to terms. When a strike is ordered, it inconveniences the public. The strikers, moreover, have families to support, and have need of their wages. Thus, their action is as injurious to themselves as to their employers. What, then, it may be asked, should be the means adopted to adjust their differences with their employers? To my mind the answer is not far to seek. When a man has a quarrel with another, the matter is taken to a court of law where justice is administered. A decision of the court settles the matter. Why could not some such course of action be taken in disputes between employers and employees? I fail to see the reason why it should not be so. If it is feared that the judges may all belong to one class, why not then appoint some from the other class? In my humble opinion, some such pacific means might be devised for the settlement of all disputes between capitalists and laborers.

According to the American Constitution every legislative power not granted to the Federal Government is reserved to

the States. Every State, therefore, has the power to enact laws on all subjects not expressly forbidden by the Constitution. Now there are forty-five States. The result is that there are forty-five independent codes of law. Even in criminal legislation there is no uniformity in the different States. An act which committed in one State is criminal may be entirely free from that taint in another State. Certain benefits or exemptions which are denied by one State to its inhabitants may be enjoyed by the inhabitants of another State. Moreover, I find that the States are independent of Federal control. They are truly sovereign in their own sphere. But if anything happens in any of the States affecting a foreigner, then the procedure is somewhat peculiar. Suppose a foreigner should be the victim of a riotous attack by some inhabitants in a State and unable to obtain justice and satisfaction from the local authorities, which is quite possible, though very rare, the Federal Government, upon representation of the foreign government concerned, could do nothing more for the foreign victim than to request the governor of that State to take up the matter. It is a credit to the authorities of the different States that notwithstanding the anomalous state of things as above mentioned no cases of serious consequence have so far happened, which might have involved foreign complications, but have been satisfactorily settled. Whether legislative steps should be taken to remove this possible cause of friction with foreign countries, and laws on crimes and other matters should be made uniform in all the States, is for the good sense of the people to decide.

One of the most puzzling problems that confronts this country is the immigration question. In days gone by, when the country was young, there were forests to be cleared, wild animals to be killed, and savages to be driven away, before the land was ready for human habitation. Then it was that immigrants were absolutely necessary for its development. Under such circumstances, your forefathers wisely encouraged immigration from all countries, and held out the inducements of a new home to settlers from every quarter of the globe. Under this liberal policy the United States grew from a confederacy of thirteen States to a mighty nation, and expanded, by rapid strides, from ocean to ocean. The population has risen from 5,000,000 to nearly 80,000,000. Millions of acres of land have been brought under cultivation. Even deserts have been made to bloom by irrigation. The result is that the whole

country is occupied by a busy and enterprising population. Now a different phase of the immigration question presents itself. The times have changed, and the condition of the country has changed with them. It would be a suicidal policy to give as much encouragement to immigration, now that the country is fairly populated, as when there was not one inhabitant to a square mile. Congressional legislation, having for its purpose the restriction of immigration, is the natural outcome.

You observe that I agree with those who hold that this country needs restrictive immigration laws. But in order to produce good results such laws should be general in their scope. They should not single out any one people for exclusion or make invidious distinction between nations or countries. In the second place such laws should be so enforced as to remedy the evil aimed at. They should be effective in keeping out the undesirable element without obstructing the entrance of the worthy and desirable class. Criminals, paupers, illiterates, and those who are liable to become a public charge ought not to be allowed to land, irrespective of race and nationality. In this connection, I cannot help touching upon a subject which concerns the welfare of my countrymen. You know, of course, that I refer to the exclusion of Chinese from this country. Their exclusion is brought about, you are probably aware, by special, and not by general, laws. It is a discrimination against the people of a particular country. It is not necessary for me here to go over all the arguments that have been urged against the immigration of Chinese into this country. Suffice it to say that they are all more or less unfounded and unsound, and can be easily traced to misunderstanding and to ignorance of facts. It has often been contended, for example, that if the bars of exclusion were to be let down, this country would be flooded with millions upon millions of China's surplus population. If such fears were based upon a more solid foundation than upon a fertile imagination, it would indeed constitute a menace to the political existence of the American Republic; then it would be natural and proper that strict measures should be adopted to prevent such a catastrophe, and no reasonable person would raise any objection. But let us examine the facts of the case. The population of the whole Empire of China is commonly supposed to be in round numbers 400,000,000, but conservative estimates by foreigners who have been residing in China make it considerably smaller,

no more than 300,000,000. It should be remembered that China is a country that occupies an immense territory and is fully able to support this immense population. The Chinese long ago acquired the habits of an agricultural nation. Mencius, the most revered of the Chinese sages next to Confucius, went so far as to say that burial of the dead and change of abode should not go beyond the limits of the native village or city. Thus all Chinese from their childhood have the notion of firm attachment to their native home thoroughly instilled into them. They also have a horror of travelling abroad, and their education, habits and environments all tend to make them remain in the places of their birth without change. The inducements must be very great indeed to tempt them away from their ancestral homes. The truth is that all the Chinese that are in the United States come from only one single province in China, nay, from a few districts of that province. Who has ever met a Chinese in this country, outside of the consular and diplomatic service, who hails from any other province than the Province of Kwangtung? This province has a population of 25,000,000, according to the most trustworthy estimate. But of this population only about 5,000,000 live in those districts which solely supply Chinese immigrants to this country.

Suppose every obstacle to the free admission of Chinese to the United States should be removed; does any man in his sober senses really believe that the entire population of 5,000,000 of those districts would immigrate to this country.

Let us briefly state what first led the Chinese to come to the United States.

Some years after the discovery of gold in California, the report reached China. A few adventurous spirits of those days in Canton, the capital of Kwangtung Province, buoyed up by the hope of finding gold and making their fortunes, braved the hardships and privations of a long ocean voyage and landed upon American soil. These early Chinese gold seekers returned to their native land after years of unremitting toil, with the fruits of their labor, and regaled their kindred with tales of fabulous wealth and glowing accounts of fortunes quickly dissipated and quickly won. Now, to this day, California, and particularly San Francisco, is known among the Chinese as "Gold Hills." It was the glitter of gold that first attracted the Chinese of Kwangtung to American shores. Soon after the gold fever had subsided, a tremen-

dous demand for labor was created by the construction of the transcontinental railroad lines, and American agents were sent to China to procure Chinese laborers, who are known to be patient, obedient, and sober workmen. It will be seen that the discovery of gold in California brought Chinese to America, and the presence of Chinese laborers in this country alone made the construction of the transcontinental lines possible. In order to produce an influx of Chinese there must be some demand in this country similar to that created by the discovery of gold and the construction of railroads. There is none of this character nowadays. Under such circumstances the influx of Chinese cannot be very great. The Chinese are a people that have an eye to business. If they hear that they cannot find in this country better opportunity for making money, they will remain in their own country.

It is a curious fact that the economical conditions of China at the present day resemble those of the United States immediately after the Civil War. The prospect of a settled period of peace has given a tremendous impetus to the launching of great industrial and engineering enterprises. Railroad building is sure to engross the resources and energy of the whole empire for some years to come. This means that China will have need at home of all the labor at her command. In proportion as the demand for labor increases there will be less labor available for emigration to other countries.

It has been said that Chinese labor is cheap. Chinese cheap labor is a misleading expression. As an element in the cost of production the price paid for labor in China is exceedingly high, in comparison with the price paid for labor in this country. Let me illustrate my meaning. To harvest an ordinary crop of rice in China requires ten men in five days. But the same amount of work can be done by a modern harvesting machine tended by a single man in one day. In other words, the machine does the work of fifty men. Suppose such laborers in China get ten cents a day, the American laborer with his machine ought to get fifty times as much, or \$5.00. As a matter of fact he does not get half as much, while day laborers in China get their ten cents a day for doing just one-fiftieth the amount of work. It will be seen that the price paid for labor is at least twice as much as that paid in the United States reckoned as part of the cost of production. But, of course, the amount each laborer gets in wages is many times less in China than what the American laborer gets in America.

There is another consideration that is often overlooked by those who make comparisons between the wages of Chinese laborers and American laborers. I refer to the purchasing power of money. In China the purchasing power of silver, the common metal used for monetary purpose, is high. A man in China with ten cents in his pocket could get as many necessities of life as a man in America with fifty cents or a dollar. So far as living is concerned, the laboring class of China with the wages current there has not much difficulty in satisfying their daily needs. Chinese labor can hardly be said to compete with American labor. Competition can only take place between individuals of the same class. Is it correct to say that doctors compete with lawyers? Chinese laborers are not in the same class with American laborers, for the work that American laborers do, requires greater intelligence and skill than that done by Chinese laborers. The Chinese laborer is more or less a machine. He competes with machines, while the American laborer is the guiding hand that directs the various motions necessary to produce a given result. I do not say there are no Chinese laborers that can compete with American laborers, but such can find plenty of work in China, and it is not necessary for them to come to this country to earn a livelihood.

The Chinese laborer has a place in the development of this country. Without him, thousands of acres of waste land in the West would never have been reclaimed, and thousands of miles of railroads would never have been built. If he had never set foot upon American soil the development of the West would have been set back at least ten years. It may be asked whether those public works could not have been done by American labor. But in that case, for lack of sufficient labor, the cost of construction would have been so enormously increased as to render such undertaking out of the question. From an economical point of view, the Chinese are regular pioneers in preparing the way for the advent and establishment of a community of more advanced development. Now that the transcontinental lines have been completed, how many Americans have derived their daily bread from the working of these lines? It is Chinese labor in the first place that rendered the employment of white labor possible.

It is generally laid down by economists that land, labor, and capital are the three principal requisites for the production of wealth. No one will say that a country can have too

much land and capital. It is clear that land and capital are good things of which no country can have too much. Why should we complain of having too much of the third element in the production of wealth? Is not labor a good thing? The truth is that it is not the superfluity of labor, but the dearth of labor that is detrimental to the interests of a country. It is currently reported that in many sections of this country, especially in the farming districts, there is a great demand for laborers, which cannot be supplied. This clearly shows that there are not laborers enough to meet the needs and requirements of the country. Some laboring men in this country make the mistake of supposing that the amount of wages to be divided among the laborers in the country is a constant quantity. According to this theory, it is to their interest to shut others out, so that they have more wages to divide among themselves. But this is a wrong assumption. Labor produces wealth. The more wealth labor produces, the greater will be their opportunities. Every industry that comes into existence creates a demand for labor. Take the California fruit industry, for example. It is true that it gives work primarily to those who work in the groves. But consider the thousands outside, who handle the products before they reach the consumers, the packers, the shippers, the train hands, the men that load and unload the cars, the jobbers and the fruit sellers on street corners, all making their living more or less out of the raising of fruits. The same may be said of every application of labor, which scatters benefits far and wide. But it may be asked, "What is to prevent over-production?" Over-production seems to be the bugbear of some people. Can there ever be a superfluity of good things? Only some years ago the fruits of California could only be found on the tables of the rich, while tons of the most delicious kinds rotted under the trees for lack of transportation facilities. Now the prices of California fruit are within the reach of all. Is not this a blessing? By all means let the good work go on. Let labor produce as much as possible without let or hindrance. Then all the comforts and conveniences of life will be within the reach of not only the rich but also of the general mass of people. We are all consumers. We cannot have too many of the good things of life. I am sure that even the working men in this country, who are intelligent, if they study the question dispassionately and carefully, will see that instead of harm only good comes to them from abundance.

In any case it will be found that the presence of Chinese laborers is not detrimental to the interests of this country. If, however, it be considered advisable to legislate against the coming of laborers to this country, let such a law be made applicable to all Asiatics and Europeans as well as Chinese. The aim of the American Government at first was only to regulate, limit and suspend the coming of Chinese laborers. For this purpose, three high commissioners, one of whom was the distinguished president of your university, were sent to China to negotiate a treaty with China. Your President will bear me out that the Chinese government was very unwilling to make such a treaty, and only consented after a great deal of persuasion. The treaty thus concluded expressly states that "the limitation shall be reasonable, and shall apply only to Chinese who may come to the United States as laborers, other classes not being included in the limitation." These are the words of the solemn treaty agreed to by the governments of the United States and China in 1880. What has happened since? We find that laws have been enacted one after another, each being more severe than the one before, against Chinese laborers, but the most surprising fact is that the exclusion laws, as now interpreted by the judicial officers and carried out by the customs officers has the effect not only of stopping the coming of Chinese laborers, but also of preventing merchants and other classes of Chinese from entering the country. This was not the intention of the treaty and the law, nor, I venture to think, the wish of the people of this country. But according to the opinion of a very high legal official, who had no doubt given it conscientiously, it was decided some time ago that the law prohibited the coming not only of Chinese laborers, but also of *all other Chinese*, except officials, teachers, students, merchants, and travellers; and these, in order to be admitted, must have certificates issued by the proper officials of their own government and visaed by the American Consul at the port of departure. In consequence of this high legal opinion, a respectable Chinese, whether a banker, or a lawyer, or a physician, cannot gain admission to this country, and instructions have been issued to that effect. In many cases great hardships have resulted. I will state a case that will show what difficulties Chinese merchants and others have to encounter in their lawful attempt to enter this country, even when there is no suspicion of fraud. Not long ago two Chinese students were brought over to this country by an American lady mis-

sionary, bearing passports issued by Viceroy Li Hung Chang in Peking. These passports were duly visaed by the American Consul at Tientsin, but the students were denied admission on the ground that passports were not the certificates required by law. It was urged on their behalf that their failure to get the proper certificates was not their fault, nor the fault of their guardian who brought them here, because they did not know the law; but the American Consul should have told them that they did not have the proper certificates. Under the impression that their passports were valid, they came over ten thousand miles of ocean at great expense. It was pleaded that the spirit of the law had been complied with, and that they should be allowed to land. This was refused and they were in danger of being sent back to China, when another and final effort was made to induce the executive officers to alter their decision. It was finally arranged only as a favor that the two students should be allowed to remain temporarily under the charge of the Chinese Consul-General, pending the arrival of the proper certificates to be obtained from China. In stating this case, it must not be presumed that any blame is attached to the officers charged with the execution of the exclusion laws. They saw that hardship caused by their action and showed every disposition to solve the question, but they could not override the opinion of the law officer of the Government. This is only an instance of the law standing in the way of Chinese merchants, students, and other classes of respectable Chinese who wish to come to America. It must be conceded that the existing law works not only hardships to the persons concerned, but it is injurious to the commercial interests of this country also. It is to be hoped that some steps will be taken to remedy the unsatisfactory state of things.

The Chinese immigration question is a complicated one. To solve it satisfactorily is not easy. It is necessary to look deeply into the subject, and not allow oneself to be swayed by prejudice and bias. Prejudice is the mother of mischief and injustice, and all intelligent men should guard against it. In order to get at the truth, it is necessary to study the facts of the case and not to jump at any conclusion, however plausible it may be. Let all preconceived notions be laid aside, and pains be taken to weigh all the arguments pro and con. I am sure that with the intelligence of the American people and their sense of fair play, they will not enact any measure in guarding their supposed interests for the purpose of oppressing

a people who are not in a position to retaliate. I feel confident they will conscientiously do what is right. The best principle to follow in government and legislation is to put oneself in the position of another. In other words, it is the golden rule that ought to govern the action of legislators and statesmen. If this principle of action is adopted in all cases, the American people will have not only a good government but the best government in the world.

These are some of my crude observations, and I lay them before you for what they are worth. Universities are the nurseries of statesmen. Never has this been more true than at the present day. Gentlemen, those of you who are students of this noble institution, it will not be long before you will enter upon the active duties of life. As citizens of this great Republic, you may be called upon to grapple with intricate questions and solve knotty problems in the nation's council. Then you will find that the educational advantages you have received from this great university will stand you in good stead, and enable you to render such valuable services to your country as to do credit to yourselves and reflect honor upon your Alma Mater.

These words of the Minister appeal to the highest sense of American manhood, and show conclusively that the Chinaman needs but to be understood and to be humanely treated, and he will then cheerfully and willingly become a citizen of the United States, and, in common with millions of other men, will assimilate and become an integral part of our great Government.

There has been no encouragement whatsoever for the Chinaman to forget or forego the land of his birth. The laws are restrictive, and such of the Chinamen as are permitted to land are harrassed and persecuted in a manner that borders on the inhuman. The officers of the law who are to define the admissibility of a Chinaman under the law, are in the main prejudiced and not impartial. The condition of the traduced Chinamen is made infinitely worse by those who ought to protect them. In other words, the officers of the

law are extrajudicial and do not exhibit that disinterested spirit, which is expected from the servants of the Government.

The archives of the Chinese Legation and the Consul Generals of the different ports, notably that of San Francisco, are full of statistics showing the inhumanities practiced upon the Chinese. His word and statement count for nothing. He must prove his innocence instead of the Government proving his guilt, a doctrine repugnant and repulsive to every Anglo-Saxon. Joaquin Miller, in an article on the Chinese Exclusion Act, published in the December number of the *North American Review*, and from which extracts have been taken and appear in another part of this pamphlet, shows conclusively that the Chinamen under present conditions are far better than any other class could possibly be, if treated in a like harsh manner; that they are willing to become citizens of the United States; that they have no desire to under-bid American labor; that they are willing to join the labor unions and thus uphold the dignity of American labor; that the better class of Chinamen have no sympathy for the highbinders; on the contrary, they are in favor of very rigid execution of the laws, and that if found guilty of any crime or misdemeanor, that they shall not only be punished according to law, but that upon their release from imprisonment they should be deported to China under penalty if returning that they be imprisoned for life, or summarily executed, thus proving conclusively that there is no desire on the part of any decent or respectable Chinaman to flood the United States with criminals or with coolie labor. It is a mere hue and cry, gotten up in the spirit of mediæval prejudice and not in the spirit that desires prosperity for the United States.

The following synopsis gives rules of the Treasury Department construction by the Attorney-General, and the facts as they stand to-day in regard to the enforcement and administration on the Pacific coast especially.

In an opinion dated the 15th of July, 1898, Attorney-General Grigg says :

“ It may be stated comprehensively that the result of the whole body of these laws and decisions thereon is to determine that the true theory is not that all Chinese persons may enter this country who are not forbidden, but that only those are entitled to enter who are expressly allowed.”

The Treasury Department, in pursuance of this opinion, issued the following instructions to Collectors of Customs :

“ Collectors of Customs are directed to admit only Chinese whose occupation or station clearly indicates that they are members of the exempt class of Chinese named in Article III of the treaty with China, viz : ‘ Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure,’ and to deny admission to Chinese persons described as salesmen, clerks, buyers, bookkeepers, accountants, managers, storekeepers, apprentices, agents, cashiers, physicians, proprietors of restaurants, etc.”

From an examination of the following cases it will be seen that the rights of the Chinese to come to and reside in this country have been constantly ignored by officers of the United States Government.

1. In September, 1900, Hong Sling, a well-known Chinese merchant of Chicago, had occasion to go to Decatur, Illinois, on business. Upon his arrival at Decatur he was pounced upon by a deputy marshal at the depot, who demanded the production of his certificate of registration and residence, and threatened him with arrest in case of non-compliance. It must be remembered that the law makes registration optional with merchants and obligatory only upon laborers. To the demand of the deputy marshal Hong Sling answered that he was a merchant, and at once pulled out of his pocket a number of letters of introduction given him by prominent business men of Chicago, among which was one given him by the Hon-

orable L. J. Gage, Secretary of the Treasury, to substantiate his statement. But the deputy marshal insisted upon seeing his certificate of residence. In the meantime the commotion thus created in a public place attracted a large crowd. To make a search for the certificate Hong Sling had to open his valise in the presence of a gaping and jeering crowd, and at last found it after a great deal of rummaging. Then the deputy marshal, with a kick and an oath, allowed Hong Sling to go his way.

2. So Ho Luck, a young man who had worked hard to support himself while trying to obtain an education in this country, was not permitted to land upon his return in 1898 from a temporary visit to China. He first came to the United States when he was nine years old, with his father, who was a merchant. His father remained in the United States about a year, and then returned to China, and So Ho Luck was left in the charge of his uncle. When he was thirteen years old he went to work in canneries to earn his living. After five years in this business he succeeded in saving about \$600 from his wages, and used \$500 of it to buy an interest in the business of a restaurant in Portland, Oregon. From 1890 to 1895 he gave his whole attention to the restaurant business. But being an ambitious young man, he was desirous of bettering his condition, and determined to get an English education. The income from his restaurant business, however, was not sufficient to pay for his tuition and books in addition to his board and lodging. Accordingly he obtained work in the Portland hotel as a bartender. He had to work from 4 P. M. to 1 A. M. every day in the barroom, and hire some one to take his place from 11 A. M. to 2 P. M., in order that he might attend school from 9 A. M. to 4 P. M. every day. He continued to work in the hotel until July, 1897, when he gave up his position as a bartender, and devoted more attention to his restaurant business. He kept on going to school as before. In December, 1897, he received a letter from his parents in China, desiring him to make them a visit, and he left the

United States temporarily for this purpose. Upon his return from China, in October, 1898, he was refused landing by the collector of customs at Portland, Oregon, on the ground that he had changed his status as a person other than a laborer by working as a bartender. The result was that he had to go back to China.

3. On the night of January 28, 1900, over forty Chinese, most of them living on Race Street between Ninth and Tenth Streets, Philadelphia, were, without any lawful authority or legal warrant, forcibly and publicly removed from their homes and places of business, taken before a Committing Magistrate, and, with little or no evidence, sent to the County Prison. About thirteen of them succeeded in obtaining their release on writs of Habeas Corpus within a month, and the rest were detained for a longer period. The Police Department of Philadelphia seems to exercise an unwarranted surveillance over the Chinese. The houses and private apartments of Chinese residents are invaded by police officers at all hours of the day and of the night. There are numerous instances in which, owing to the misconduct of Americans in a Chinese restaurant, police officers ejected every person from the establishment and peremptorily closed the place. Such interference on the part of the police has had a very injurious effect upon the business of Chinese merchants in Philadelphia.

4. On the 22d of October, 1897, a large body of armed deputy United States marshals, police officers and detectives, under the direction of a special agent of the United States Treasury, with the co-operation of the United States District Attorney and Marshal, surrounded the Chinese quarter in the city of Denver, Colorado, suddenly broke into the house of Chinese residents and carried off all Chinese as prisoners without distinction of age or sex excepting only a few well-known merchants and physicians. No charge or complaint had been preferred against any of them; no warrants were issued; no cause was assigned for their arrest. It was

merely conjectured that some one or more of them might be without the certificates entitling them to residence in this country. Thus arrested without any authority or pretense of law or right whatever, they were hunted, herded, and driven through the streets of Denver like red-handed criminals and fugitives from justice, taken before a United States Commissioner, and there subjected to a trial and examination as to their right to reside in this country. All but five or six were able to find and produce their certificates readily, but notwithstanding this conclusive proof of their rights they were detained and incarcerated until the District Attorney had concluded his examination of them all.

5. On the 7th of August, 1900, some time after the hour of ten o'clock P. M., all the Chinese residents of the city of Jacksonville, Florida, were arrested by the United States Deputy Marshal on the general charge of having violated the Chinese exclusion laws. Both the mayor of Jacksonville and the United States District Attorney of that district wrote to the authorities at Washington in behalf of these unfortunate men, setting forth the facts that all the men arrested and put in jail were quiet, peaceable, energetic, and law-abiding men, and that it was the wish of the general public that they should be allowed to remain with them. Even the Assistant Secretary of the Treasury, who had charge of the execution of the exclusion laws, when the matter was brought to his notice, thought that while there might be technical grounds for making the arrests, a grave injustice had been done inasmuch as no instructions had been issued to that end. Assistant Attorney-General Hoyt also was willing to do everything in his power to give the men the needed relief. This is only one of many instances in which the subordinate officials of the United States Government made use of the exclusion laws as a pretext to harass and injure the law-abiding Chinese in every American city.

6. Ho Mun, a Chinese merchant of Macao, arrived at San Francisco on September 17, 1899. In his application for ad-

mission into the United States, he presented a certificate issued by the Portuguese authorities at Macao, and visaed by the United States Consul-General at Hong Kong. His application was rejected because his certificate did not give the length of time for which he had been a merchant in Macao before his departure for the United States. Accordingly, he was removed by the customs authorities to a place of detention on the steamship company's dock to await orders for his deportation. Almost immediately afterwards he became sick. His friends and relatives tried to give him the necessary medical care and attention, but the customs authorities would not allow a regular physician to see the sick man. Ho Mun remained two months in the place of detention, and his condition grew worse and worse from day to day. At last an application was made to the United States District Court for a writ of habeas corpus, which was granted on the 16th of November, 1899, and Ho Mun was then taken to the county jail, where he died on the 21st of November.

7. Tom Kem Poy and Wong Sun Chune, two Chinese merchants who had been in business a number of years at Mazatlan, Mexico, and members of the firm of Simon Ley & Company, came to Los Angeles, Cal., in February, 1899. They were provided with certificates from the Mexican government, visaed by the American Consul at the port of departure, and also with a certificate from the Registrar of Commerce of Mazatlan, showing that they were merchants of good standing. They were arrested on their arrival and thrown into jail by the Chinese inspector, because, as he testified at their preliminary examination, he had felt their hands and knew that they were not merchants. They were in jail from February 6th, to the day of their deportation, which was not ordered till August. Thus they were kept in jail for seven months merely for crossing over into the United States from Mexico.

8. Yee Ah Lum and some thirty Chinese merchants of Canton arrived at San Francisco in August, 1899. The Col-

lector of Customs refused them admission into the country on the ground that their certificates were defective. The defect was simply the omission of the particulars respecting the nature and character of their business in the English portion of the certificates, though such particulars were fully given in the Chinese portion. These cases were appealed to the Secretary of the Treasury, but the action of the collector was sustained. They were accordingly deported. It must be remembered that these merchants came to the United States to buy American goods. Having been turned back from the American shores, they were forced to go to Europe to get what they wanted.

9. Yip Wah, a Chinese student, arrived at San Francisco in November, 1900. He applied for admission by presenting a student certificate from the Chinese government as required by law. But the Collector of Customs at San Francisco refused him permission to land. No allegation was made that the certificate was not in due form. The grounds on which his application was rejected were that he had merely attended the native schools of China and intended to continue his studies in this country; that he was entirely ignorant of the English language; and that he proposed to work for his father, a merchant in Canton, upon his return to China after completing his education in this country. The case was appealed to the Treasury Department, and the action of the Collector was sustained by that department. Every effort made in Yip Wah's behalf proved to be of no avail; for the law provides that "in every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made, the decision of the appropriate immigration or customs officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of the Treasury

10. Two Chinese officials, Mr. Lew Yuk Lin, Acting Consul-General of China at Singapore, and Commander Chen En Tao, Naval Attaché to the Chinese Legation at London, left

China for London on business of the Chinese government in the latter part of 1899. They landed at Vancouver, and while proceeding to New York to take steamer there for London they were stopped at Malone, New York, by officers of the customs. To show their official character, they exhibited their credentials and, in addition, certificates issued to them by the British authorities at Hong Kong and Shanghai and by the United States Consul-General at Hong Kong. The customs officials were, however, obdurate and insisted upon detaining them. They were forced to get off the train and pass the night in a hotel. For over twenty-four hours they were kept under surveillance, and were not allowed to continue their journey until a strong protest had been made by the Chinese Minister at Washington and instructions issued by the Treasury Department. But no satisfaction was offered to the Chinese officials for the inconvenience and extra expense to which they had been subjected.

The above-cited cases are taken from a large number. They show that even the members of the exempt classes of Chinese are harshly dealt with in the enforcement of the exclusion laws. These certainly can do no possible harm to this country. It is true that there may have been cases of fraud. But innocent Chinese should not be treated as if they were law-breakers.

The *Farm, Field and Fireside*, published in Chicago, Illinois, has the following to say :

“The Chinese Exclusion Act is to expire by statute limitation. The question is up whether it shall be renewed. It was passed under the theory that our country was liable to be overrun by Orientals; that millions of them would flock in and bury our laboring population, as it were; that they were, also, an undesirable element of population, that they did not, as a rule, bring their wives, did not make American homes, did not contribute to the general welfare, but usually packed up after they had saved a little money and went back to China. There is doubtless a good deal of truth in this. But it is a fair

question, also, whether there are not other people coming in that do not contribute to our general prosperity. Some are asking this question as to the tens of thousands of the poorest of the Italians. It is natural also to compare the Japanese. We have no exclusion law against them. In Hawaii they number 61,000, while the Chinese number but 26,000. The Japanese in this country have greatly increased. In 1890 there were but 1,147 and in 1900 there were 24,875. It is doubtful if the Chinese ever increased at a greater ratio than this. Comparing the characters and the work done, it is extremely doubtful whether the Chinese may not be more desirable than the Japanese. They are of better manners, more industrious, and even more reliable and trustworthy. The bankers in the Orient and even in the cities of Japan are (usually) Chinese. The European and American residents of China and Japan regard the Chinese as the better business men, and they employ them in preference in banks and places of financial responsibility. Coming back to the question of the Exclusion Act, it is a fair question whether in simple justice it should not be made to apply to some other races if it shall be re-enacted at all. Philanthropists have always opposed it as inhuman and unjust. As a matter of fact the Chinese have diminished from 107,475 in 1890 to 93,283 in 1900."

The *Emanu-El*, published in San Francisco, says:

"Whatever may be the political or economical aspects of the Chinese Exclusion Act, the Government of the United States cannot overlook its moral features, and these, so far as possible, should be made to harmonize with the others. We are by no means united on the Chinese question. Admitting the necessity of controlling Tartar immigration, it is by no means certain that a stern absolute prohibition would strengthen the position of this country abroad, nor be satisfactory to a very large number of citizens who believe in justice, even to a Chinaman, who think that a wise and just discrimination is safer than a stern closing of the gates. Time has changed and shifted opinions, and the sentiment which

was prevalent in the East ten years ago may, after all, be right now. It remains true that as a matter of abstract and absolute justice, no discrimination should be practiced against foreigners of any particular race or confession, unless that discrimination is warranted by necessity. There are elements in the United States far worse than the Chinaman, and none as assimilative. The Chinese are limited. There is barely one hundred thousand in all the country. If they exercise no influence upon the commerce of the country or its educational growth, they have not done us as much harm as others.

“If the things that are practiced among them are not suppressed by an indulgent police, we can only blame that tolerant spirit that looks with placid eye upon many things that are not Chinese. If he labors for a wage that the American workingmen reject as incompetent, it needs to be investigated whether the greater ratio of the trades in which he is engaged are not rather spurned by the American. It is not yet exactly determined whether the Chinaman is a competitor of the American. Cotton picking in the South and fruit picking in the West are no desirable occupations for Americans, who, like the English, begin to prefer city life and fixed hours of employment.”

The public, unfortunately, in the direction of the Chinese, as on all other subjects in which it shows prejudice, is ignorant of the real conditions of China and the Chinaman. Senator Matthew S. Quay, in an address delivered to the State League of Republican Clubs of Pennsylvania, on the 14th of May, 1901, says, among other things:

“During all these ages China grew, developing and sustaining civilization and a resistance to decay such as marked no other nation. When our forefathers, clad in the skins of beasts, were earning their sustenance in the European forests by the chase, armed with flint-headed weapons, China had Confucius and astrolabes, and was calculating eclipses. We should respect China and sympathize with her in her trials, and look forward to her future and the fulfillment of her mission.”

Senator Quay is a far-seeing statesman, who has grasped the destination of his country, who knows that our mission is eastward, not only in the christianizing of the Tartar, but also in the civilizing influences that the United States so lavishly possess, and which they should so generously extend. Senator Quay is also aware of the fact that we are in treaty relations with China, and that pending this treaty there should be no exclusion laws enacted: On the contrary, whatever laws exist should be modified to meet conditions that exist to-day, different from those of ten years ago. Then we had no insular possessions, we had no territory outside the Pacific Coast in which the Chinaman, to any extent, was domiciled. We now have a large number in the Philippine Islands and in Hawaii, where they are needed, where they are useful, and where they add to the prosperity of those respective countries. We know that commerce is not sentimental, that if we are going to drive a hard bargain with China and her citizens, the trade that would naturally flow to us will be directed to other countries, and the splendid feeling of good will caused by our military and diplomatic triumphs in the recent struggle in China, will count for nothing, and we will stand, as we did years ago, outside of the wall, looking longingly for a chance to trade and traffic with China, and what will be gained for the moment, and what will be yielded to the demands of the unthinking, will be poor compensation for the national loss, not only in commerce, but in fairness and justice. We should be impartial and treat the Chinaman as we do the Japanese, as we do the Irishman, the Hungarian, the German, or any other immigrant who seeks the benefits of our American civilization. Give the Chinaman a chance, not in unlimited numbers; no one wishes that. Let those that come be assimilated; let them prove their right to be American citizens; give them a chance in the jury box. If the devout and sincere Christian is correct that they are fit and worthy to become Christians of the different sects, that they are worthy of enjoying the proud inheritance of a Christian life, then they surely are capable of and fitted for American citizenship.

Chinese Farmers are very much needed in the South, and as they have been agriculturists from time immemorial, it well behooves the Members and Senators from that section to investigate before they give their votes on any rigid exclusion laws.

The subject is well treated in the following letter which is from the *Virginian-Pilot*, of Norfolk.

Chinese Exclusion Act.

NORFOLK, VA., *December 16, 1901.*

Editor Virginian-Pilot:

Referring to proposed action by Congress on the "Chinese Exclusion Act," "Tobacco Planter," in his communication on "Scarcity of Farm Labor," published in the *Virginian-Pilot* under date of November 27th ultimo, states the case clearly, and, in the opinion of the writer, reflects the sentiments and wishes of the land owners on the eastern seaboard farming districts of the country when he declares the necessity for an amendment to the exclusion act which would authorize the immigration to this country of a good class of farm labor. There are always, Mr. Editor, two sides to a question, and while our farmers and planters, in their present stress for field labor, would not urge the passage of any statute by Congress which would be detrimental to the interests of other sections, especially where it might tend to "competitive labor," we can surely, in fairness and equity, ask Congress for a restrictive amendment which would fill our needs. In this case farm labor in our districts would not be "competitive," from the simple fact that there is comparatively no field labor with us with which to compete. Some politicians, in their desire to cater to a prejudiced sentiment which prevails in the city centres, lose sight of the interests of the "horny-handed sons of toil;" they overstep the mark, sir. Farmers and agriculturists will not long lay supine under present conditions.

They ask no charity! They need no appropriation!

But cry aloud for such legislation as will enable them to secure reliable field labor for their plantations and estates.

Our consuls in China speak in high terms of the farm laboring class in some of their agricultural districts. Consul Ragsdale, Tien-Tsin, China, reports (see advance sheets of Consular Reports No. 602): "As market gardeners the Chinese excel!" "Have for ages understood the art of grafting!" Again: "Chinese agriculture illustrates the talent of this race!"

Much more could be cited to show the adaptability of this farm labor to the requirements of our farming districts. Give our impoverished land holders reliable field labor, Mr. Editor, and we would become, as of yore, the finest agricultural community on the globe.

Can the Chinese be assimilated and become a Patriotic Citizen ?

This is best answered by a letter received in this City from one of the leading citizens of Portland, Oregon, who says:

"The 4th of July, 1898, was celebrated in Portland, Oregon, with more than usual fervor, and in the procession there was a company of Chinese boys, born in Portland, ranging from eight to twenty-one years. They were all in uniform and had little guns and numbered forty. They received great and kind attention from all the people, and the grown Chinamen seemed to be very proud of them. These boys are native born American citizens and, when they become of age, will vote in Oregon. They are handsome, honest, intelligent boys. When it is considered that a few years ago there was great feeling in the city against the Chinese, this occurrence is remarkable. The company was organized by a young Chinaman named Sied Bach, whose father has been, for many years, an Americanized Chinaman, and a merchant of extensive business operations. The little company is still in existence. I consider the assimilation of the Chinese, on an intelligent basis, practicable and proper. We in Oregon do not now share the feeling of animosity that is entertained in California."

This, as our beloved President McKinley said, is the era of reciprocity, and where does reciprocity come in with China if we deny them the rights and immunities that we expect to receive at their hands?

It has been stated, and truthfully, by one of the past masters of philosophy, that next to injustice is ingratitude, and that certainly exists at this moment on the Pacific Coast when they close their eyes to the fact that it was Chinese labor that made the Pacific railway a possibility, and that gave to the Pacific Coast that impetus and prosperity, which from that date to this has never flagged and is in a state of constant advance.