

The Chinese Exclusion Act

House of Representatives Debates - Part 2

By Philip Chin

Representative Horace Page brought up consideration of the recently passed Senate bill regarding Chinese Exclusion on March 14, 1882. Author of the Page Act that had effectively barred Chinese women from immigrating to the US in 1875, his arguments against the Chinese were not high minded as evidenced by this passage, "Why, sir, a Chinaman has no more regard for his oath than a savage who never saw a white man in his life. He has no regard for it absolutely. A Chinaman would not swear to tell the truth if it were profitable for him to swear to a lie. This is the characteristic of the race and of those of them who have come to our shores."

Page said he spoke for all Republicans in supporting Chinese Exclusion, citing selected sentences from the letters of the assassinated President Garfield and the Republican Party platform of 1880.

Representative William Whitney Rice, a Republican of Massachusetts, took issue with this assertion, "That gentleman is a good Republican. He has assumed today to speak for the Democratic side of this House. He cannot speak for the Republicans. And the reason he cannot speak for the Republican side is that, although he still represents one great wing of the party, that wing has been thrown into a panic."

Rice tried to draw a distinction between the Republicans and Democrats over the issue, "It is the Democratic platform that says 'no immigration'; it is the Republican platform that recognizes the right of every nation to protect itself against pauperism, disease, and crime, and says 'restrict and regulate immigration so it shall not endanger the country or any portion of it'..."

"That is what the Republican platform means, not to prohibit immigration, not to suspend it but to regulate it; to restrict, to control it, and to make it, instead of a curse, instead of a danger, a blessing and a source of prosperity."

He also worried about the effects this would have on American influence and business in China, and the damage caused to the United States internationally to its reputation. How could any nation trust America's word when its representatives had assured China that only a limitation rather than a complete ban on immigration was under consideration then treacherously turn around and impose just such a ban?

Representative Rice knew that he was already on the losing side of the argument, "Against this bill as it now stands, against its essence and spirit, I can only utter my final protest, and say that I know it must fail because all the principles of justice and of equity, those fixed stars whose serene light falls upon Asia as well as American in all

their course, fights against it, and as surely as they were set in their places by the hand of God and made eternal they will in the end prevail."

Representative Albert Shelby Willis, a Democrat of Kentucky and author of the vetoed Fifteen Passenger bill of 1879, strongly denounced the Chinese, "The Chinaman, whether as a laborer or a member of society, or of the body-politic, is an undesirable and dangerous element in any community. Crowded, huddled together, forty or fifty in a room not larger than would accommodate with decency and comfort one man with a family, discarding or disregarding all the usual ordinary appliances of personal civilization as to diet and clothing' cooking, eating, and sleeping in the same apartment, they have succeeded in reducing the cost of living to a minimum, and thus wherever located have forced the laboring classes to the wall. As laborers, therefore, the Chinese can only exist to the exclusion or degradation of all others in the community."

"Nor as members of society are they less objectionable. Their personal habits consequent upon their mode of life in these squalid dens, their low, groveling ideas of virtue and religion, and their peculiar social views have been commented upon and condemned by every nation with whom they have come in contact."

"The introduction, therefore, of a class of men like the Chinese, who are without homes or families, whose education and habits disqualify them for citizenship, whose cheap wages degrade labor, and whose want of morality and self-respect unfit for society, is fraught with great danger to our republican institutions, and should be promptly and effectually checked."

Representative George W. Cassidy, a Democrat of Nevada, claimed that race wasn't the basis for the legislation, "We are not legislating against the Chinaman because his skin is yellow; we have no objection to that; but we are against him because of the civilization he brings with him and which he refuses to abandon after years of residence among us... Your naturalization laws as they stand today exclude the Chinaman from citizenship, and we say that if he is not desirable as a citizen, he is not desirable in any other sense or for any other purpose. They are a people without a religion, without a conscience, and without a God. There is no honesty among the men or virtue among the women."

Cassidy also denied that trade between the countries benefited the United States as several members of Congress had argued, "I deny that our people have anything to learn from Asia; I deny they can be benefited or intellectually lifted up by the contact, and I also deny the advantages to the two countries are mutual and reciprocal. We may impart in some degree the examples of our civilization and energy and enterprise, but we can get nothing in return for them."

He also argued that the Chinese brought drugs and disease, degraded labor, and corrupted youth and that their poor treatment in America was solely their fault.

Representative Ezra Taylor responded to Cassidy and pointed out one of the inherent contradictions of the legislation, "Prostrated by disease that is inbred in the Chinaman, gotten there by their close corporation at home, with their blood flowing through their

veins in poisoned streams, they are still so energetic and so persistent and such eternal laborers that by the hand of labor alone they are to take possession of this country. Mr. Speaker, both of these statements cannot be true."

He also angrily addressed the charge that the Chinese had refused to assimilate, "They do not assimilate! Here they have been for thirty years ever since they commenced coming to this country. Have they ever been invited to assimilate? Have they been treated in California at any time as if they could assimilate? For thirty years in the lifetime of a nation they have been there and the ban has been upon them."

Taylor also said that race prejudice was the basis for the legislation and reminded the Senate that Washington DC had once held slave auctions within hearing of the Capitol itself, "Mr. Speaker, in this city men, women, and children have gone from the auction block under the Stars and Stripes of this Government; under the same cry we hear today as against the Chinese, they have been sold within the sound of my voice under the hammer. The defense was that they were an inferior race - the only defense that could ever be given. The old slogan is heard again now. I meet it as the people in my little corner of the State of Ohio met it. I meet it by saying that inequality of condition or capacity is no excuse for inequality before the law."

Representative Charles Hooker, a Democrat of Mississippi, had been attorney general of that state until 1865 when he'd been removed from office by the Union Army as had all then current Confederate era government officials. He'd tried to compromise by supporting a proposal for a ten year exclusion but when that failed became one of the few Democrats to oppose the bill. He worried about the effect that an exclusion law would have on trade and on the spread of Christianity in China. He also pointed out with some irony that the Burlingame Treaty hadn't been something China had asked for, "Here are treaties which they never asked us to make, but which we asked them to make - begged and implored them to make. They never wanted Chinamen to come to this country. They never desired that the Chinese should emigrate. They never sought treaty relations with us, but we sought treaty relations with them. We sought them against a prejudice which at one time we thought we should never be able to overcome, because it had existed among that people for centuries, extending back across the ages to the time of Confucius; and far beyond the time of Confucius the august empire extends until its origin is lost in the twilight of fable."

Representative Aylett Buckner, Democrat of Missouri, had nothing but praise for the legislation, "No class of men should be permitted to locate in this country who cannot readily assimilate without race or whose blood cannot intermingle with that of the white race without deterioration or debasement."

He pronounced racial integration a failure and advocated racial segregation for the African and exclusion for the Chinese, "It may require scores of years of experiment before the country will be convinced that the African is an element of peril and weakness in our social and political system, which, like the Chinese, must be eliminated at any cost."

Buckner then taunted the Republicans for the split among their ranks, "I congratulate my Republican friends who support this bill, that they have emancipated themselves from the influence of transcendental theorists, sublimated humanitarians, Jesuitical ecclesiastics, [and] women suffragists."

Representative William D. Washburn, a Republican of Minnesota supported exclusion on the grounds that Chinese labor was just another form of slavery which the Republican Party had originally been formed to oppose, "Cheap labor has, or may seem to have, its attractions and fascinations. The people of the South once thought that the cheap labor of the slave was indispensable to their prosperity and well-being, and they held to it with a tenacity worthy of a better cause; but when we introduce, or permit to be introduced, a system of labor of a lower grade, if possible, than the slave labor of the South, we do for the whole country what slave labor did for the South, and in so doing strike a blow at the very foundations of our free Government."

Representative Robert Milligan McLane, a Democrat of Maryland, echoed Washburn's statement that Chinese laborers in America were nothing more than a new form of slaves. As former minister plenipotentiary to China under President Franklin Pierce, he had had personal experience of being spat upon and threatened in China by both the populace and government officials. Coming right in the midst of the Second Opium War this treatment probably wasn't surprising but had obviously colored McLane's views of the Chinese, "The Negro was brought to this country, and why was he brought? He was brought to labor; he was brought to labor because his labor was cheap, and in California today we find the people subjected to exactly the same condition of affairs that this country suffered from when the mother country permitted African slavery to be introduced, and find a question today in California equally demanding our attention."

He also echoed Horace Page's opening remarks, "No man believes the Chinaman on oath. He [the Chinaman] despises the oath when he takes it and would not be bound by it."

Representative Charles Joyce, a Vermont Republican, commented on the strange fact that a nation of immigrants was now proposing to bar immigrants for the first time, "To other nations of the earth, not affected by this legislation, it must appear strange and unaccountable that a country inhabited by a people made up of immigrants from every race under Heaven should, at the very beginning of the second century of its existence, attempt to build around its territory a wall against foreigners deeper and broader and higher than that which kept China from civilization and Christianity for eighteen hundred years."

He also laid out why such legislation was now possible and summarized the arguments of those against the law, "If the one hundred and five thousand Chinamen now in this country were armed with the freeman's great weapon of defense, the ballot, you would never have heard of this bill. The eloquent lips of gentlemen who advocate it would be silent, and we should not now be haunted with the nightmare of 'Chinese cheap labor.' It is because they cannot vote, because they are helpless to defend themselves that these

gallant gentlemen are now charging upon them with all the forces of hate, prejudice, and barbaric despotism."

"When the Englishman, the Irishman, the German, the Frenchman, or any other man comes here you extend to him the hand of welcome and give him an equal chance with the rest; but when a Chinaman appears, who has just as good a right to come here to better his condition and seek happiness as the others, you pelt him with stones and brickbats from the moment he leaves the vessel, and when at last he finds protection among his persecuted countrymen, you refuse to employ him, you will not allow him to enter your schools, you exclude him from the jury box, you do not allow him to have, exercise, or enjoy any of the rights of citizenship, and now, to complete the long list of wrongs, you declare by this bill that he shall never be naturalized."

"I believe the total prohibition of these people from our shores for any length of time, however, short, is not only unnecessary and uncalled for, but that it is a cowardly repudiation, in our dealings with a weak nation, of a just and long-established principle of our Government, as well as a bold and open violation of the letter and spirit of our solemn treaty obligations with the people of China."

Representative Romualdo Pacheco, a Republican of California, had been the twelfth governor of the state in 1875 and the only Latino governor in the state's history, his family having immigrated from Mexico. He used words that reflected the extreme racism in California and the West Coast that would haunt generations of Latinos and other racial minorities far into the future, "By the laws of heredity, the habits of his ancestors live in his character and are incorporated in his blood and brain... the same fierce struggle which has engaged his ancestors for centuries engages him now. He has known only the most pinching poverty and expects nothing else. His religion, if religion it may be called, is the worship of the gods which are the work of his own hands. Family ties and obligations and the sweets of home life are naught to him."

"The long course of training which has gone on for so many generations has made of the Chinaman a lithe, sinewy creature, with muscles like iron and almost devoid of nerves and sensibilities. His ancestors have also bequeathed to him the most hideous immoralities. They are as natural to him as the yellow hue of his skin, and are so shocking and horrible that their character cannot even be hinted. This the testimony of several well-known writers, as well as the opinion of every people where this race has migrated."

After seven days of poisonous debate the vote on March 23, 1882 in the House of Representative was 167 in favor, 66 opposed, and 59 absent. 59 Republicans voted in favor along with 98 Democrats and 10 Independents. Opposed were 62 Republicans and 4 Democrats.

The twenty year exclusion bill was vetoed by President Chester A. Arthur on April 4, 1882. He had no objection to limiting Chinese immigration or to treating them differently from European immigrants. What he objected to was that the ban was a violation of the Angell Treaty's promise to restrict Chinese immigration only, not to ban

it outright. He also objected to the onerous documentary requirements that would be imposed solely upon Chinese, "I think it maybe 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 that point, I may invite the attention of Congress to the fact that the system of 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." In today's age of security checkpoints and airport searches it is hard to imagine but people of the 19th Century routinely traveled around the world without passports.

President Arthur suggested that long lasting exclusion policies might damage trade with China and other Asian nations but hinted that he would be flexible on exclusion with a shorter time limit, "It may be that the great and paramount interest of protecting our labor from Asiatic competition may justify 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."

On April 5, 1882, Senator John Sherman, Republican of Ohio, moved to refer the vetoed bill to the Senator Committee on Foreign Relations. It was a way of letting the bill die in committee without the embarrassment of having Republicans be seen voting to override the veto of a Republican president. Sherman stated his own misgivings about the bill, "Under pretense of regulating importation of Chinese laborers, Congress passed a bill which prohibits Chinese immigration for twenty years. If such a bill had been proposed in either House of Congress twenty years ago, it would have been the death warrant of the man who offered it. In order to cure an evil which we admit, we passed a Chinese bill, a bill based upon a policy peculiar to China, that of exclusion of all the world from Chinese soil. In other words, we abandoned the American principle of inviting people from all lands to come and participate with us in developing a great country, and we have adopted the old public policy of the Chinese, which is to exclude the people of all other lands from their soil."

Senator John Tyler Morgan, Democrat of Alabama, blamed the Republicans for the veto of the bill and the effort to kill an override vote, "The action of the Republican Party upon this subject is distinct and definite beyond all denial, and now the leader of the party in the Senate rises here and for purposes of smothering out the question, and preventing the people of the United States from having a clear view of it, undertakes to ask us to evade the Constitution of the United States by refusing to vote upon the question of reconsideration..."

After additional debate the Senate rejected the effort to let the bill die in committee then failed to muster the 2/3 vote necessary to override a presidential veto. 29 senators voted yes, 21 no, and 2 were absent. It was left to the House of Representatives to reintroduce the legislation with a ten year ban to deal with President Arthur's objection which they did just one week later on April 17, 1882.

Chinese American Heroes would like to thank Martin B. Gold for his book, *“Forbidden Citizens - Chinese Exclusion and the U.S. Congress: A Legislative History”* upon which this work is based.