

Enforcing Chinese Exclusion Part 3
The Geary Act 2
Senate Debates
By Philip Chin

Republicans held the Senate majority in 1892 with 47 members versus 39 Democrats and 2 Independents. Senator Joseph Dolph, Republican of Oregon, introduced the Geary Act for Senate consideration on April 13, 1892. He urged fast passage of the bill and warned of a flood of Chinese immigration if the Chinese Exclusion Act was allowed to expire. No action was taken that day and the issue was next taken up by Senator Dolph on April 21st. The Senate Foreign Relations Committee had proposed a substitute bill that omitted any mention of renouncing all treaties between the United States and China and the denial of habeas corpus rights to Chinese immigrants found in the House bill. These two points had caused great unrest even among supporters of Chinese Exclusion in the House of Representatives and obviously had been too much for the Senate Foreign Relations Committee to stomach as well.

Senator Dolph began his presentation by again warning the Senate of the imminent danger of the expiration of the 1882 Chinese Exclusion Act, "I read in one of the New York papers yesterday morning a dispatch from Seattle which stated that there were 2000 Chinese in British Columbia along the line waiting for the opportunity to come to the United States after the 6th of May."

Senator Dolph had obviously missed the script. His fellow politicians had repeatedly denounced the Chinese as morally degenerate lawbreakers, inassimilable, with no respect for the truth or American law, coming across the Canadian border illegally in their thousands. Dolph was now arguing that the Chinese were waiting patiently at the border for the law to expire in respect of American law.

Senator Charles Felton, Republican of California, agreed with Senator Dolph on the urgency of acting, "This question is political, social, and economic. It is a question of civilization, and we of the Pacific Coast would preserve ours, the Western type, and not submit to the Eastern. To preserve ours, we must exclude the other - the Eastern. They will not mingle or fuse, and were this possible the resulting type would have the vices of both without the virtues of either."

Senator Felton found additional reason for Chinese Exclusion in the violence directed against them by whites, citing the murder of at least twenty-eight Chinese miners in Rock Springs, Wyoming in 1885 that had touched off further violence all across the American West. Protesting against underpaid Chinese workers undercutting the wages of white miners the local Knights of Labor union had organized a frenzied mob that had surrounded the local Chinatown then started shooting and burning. The violence featured such shocking scenes of murder and mutilation that many across the nation

were appalled. Local papers applauded it though and rioters arrested and held for a month were released without charge and greeted as heroes upon their return. Terence Powderly, the national leader of the Knights of Labor, later justified the massacre, saying that such problems only arose out of the failure of the United States Government to enforce Chinese Exclusion. This was the same line that Senator Felton adopted, "There must be some reason for these recurrences, and if this people are further permitted to invade us, we must expect repetitions... Races so dissimilar cannot assimilate and hence cannot exist together in unity, peace or prosperity - one or the other must survive and the older, the simple, will exhaust the newer and more complex."

"They are absorbing our substance and returning no equivalent for the same. Our civilization is threatened; our industries paralyzed wherever they appear; our labor driven from employment; our women and children prevented from earning their bread; they have arrayed section against section; have and are disturbing the peace and prosperity of the land. Their presence means ruin to our laboring classes, and hence greatly complicates the labor question, fast becoming a high political one, and one that confounds the ablest thinkers - hence these very conditions have rendered the treaty nugatory."

Further Senator Felton argued that the Chinese Government had violated their most important obligation under treaty . Immigration of laborers was supposed to be free and voluntary but the Chinese were coming to America under forced labor contracts he said. In light of that fact the United States was obliged to change the law to protect themselves against coolie labor regardless of the treaty. He urged that even stricter amendments be added to the bill; that all Chinese, not just laborers, in the United States be forced to register with the federal government and that the loophole allowing Chinese merchants into the United States be closed.

Senator John Sherman, Republican of Ohio, reluctant supporter of the Chinese Exclusion Act, and chair of the Senate Foreign Relations Committee, had serious problems with the Geary Act, "The bill as it came to us from the House of Representatives contains severe restrictions such as would read very strangely in a law of the United States. It seems to me that in severity of language and in its prohibition of the ordinary rights of humanity, it goes far beyond any bill that probably was ever introduced into the Congress of the United States."

Senator Sherman also believed that such legislation was unnecessary citing the US Census that showed that whites in California had increased their population in California by 45% from 1880 to 1890 while the Chinese population had declined by 5% during the same period.

"I have no doubt in time the Chinese population in San Francisco will rapidly decrease... The natural instinct of the Chinaman is to go home to die. His dead body goes if he does not go before death. The tendency is in that direction. There are no ties of family; there is nothing to induce these people to stay here, and I have no doubt, feeling as they do that they are unwelcome guests here, that they are not in harmony with our civilization, the number of these people will gradually diminish."

He also attacked the absurdity of banning all Chinese from the United States, not just laborers, then making an exception for their diplomatic representatives alone, "Why should their minister come if all the Chinese are to be excluded? Why make this exception... Why should they send a minister here?"

"We bombarded them in order to compel them to open their doors to the entrance of our people and our missionaries, and now we are excluding their diplomatists and consuls, for why should they come here when no Chinaman can be allowed to come here?"

Of particular outrage to Senator Sherman was the Geary Act's provision negating every treaty ever signed between the United States and China, "I do not deny that the Congress of the United States has the full power to repeal a treaty as it has a right to repeal a law, but the reasons for the repeal of a treaty must be apparent and satisfactory to the general judgment of mankind. Any nation which violates unduly and for slight cause a treaty in which it has solemnly engaged would be denounced among the civilized nations of the world."

"The United States has never until now in its intercourse violated the terms of a treaty, so far as I know. I do not think that imputation or charge has ever been made against the American people. Our treaties are like other laws, liable to be repealed; yet we have not violated them, and here we propose by wholesale to violate them..."

"We have made these treaties with them; we have recognized them as among the treaty-making powers of the world. We, with the civilized nations of Europe, forced them into that position and now, sire, it would be unmanly, it would be unjust, it would be un-American for us to violate those treaties and break them without stronger cause than we have here today."

Senator James F. Wilson, Republican of Iowa, went into a history of the concept of expatriation, the ability to change national allegiances and citizenship through immigration. It was a founding principle of the United States, not widely accepted by any other nation in the 18th and 19th Century until China had done so in the Burlingame Treaty of 1868.

"We had been insisting in the presence of all nations that the doctrine of expatriation should be recognized... When we made our appeal to the crowned heads of Europe they said, 'Oh no, once a subject, always a subject; we cannot recognize any such doctrine as that.' No country recognized it until 1868, when the Emperor of China through his embassy here, extended his hand and said, 'Yes, I will agree, ' and this government grasped his hand warmly and gave him the thanks of the Republic of the United States because in the whole line of nations, he was the first to approve of our doctrine."

Senator Wilson reproached Congress, "The first one of the nations consenting to our doctrine and embodying it in treaties was the first one we picked to slap in the face as the march went on."

Senator Matthew C. Butler, Democrat of South Carolina, was worried more about the commercial implications passage of the Geary Act would have. Protecting the white race along the West Coast was one thing, local constituents losing their jobs by the thousands because of angry Chinese boycotting American agricultural and textile products grown, milled, and manufactured in South Carolina was another.

"Here we are inviting the Chinese people to engage in commercial intercourse with us by every possible means known to civilized people, and yet we turn in the very teeth of it and insult them by the passage of an act like this... In response to a demand from a very limited area of the country, the Pacific Coast, we are proposing now by the passage of this bill to throw insult into the face of these people and to violate every treaty stipulation which we have ever made with them."

When debate reopened the next day, Senator William Chandler, Republican of New Hampshire, acknowledged that some parts of the Geary Act were too harsh for the Senate to approve of, but he noted with approval that section 7 of the Geary Act provided for a maximum of 5 years in prison for any Chinese person unlawfully in the United States to be followed by deportation. Regretfully some senators found this section also too harsh so he proposed that the period be lessened to 2 years to deal with illegal Canadian border crossings.

"It may be thought a harsh proceeding to imprison Chinamen coming here unlawfully and after their term of imprisonment to send them to China. The necessity, however, is a very evident one. Unless the Chinamen coming unlawfully into the country are placed in prison, the penalty of a return to China or across the border is of no value whatever... Put them in prison for a limited period of time and deport them after they have served the term of imprisonment, and the penalty will be effective, and no other will be effective."

Senator Cushman David, Republican of Minnesota, had voted for the Scott Act but now regretted it, "For my own participation in the passage of the act of 1888, I have nothing but the profoundest regrets. No nation, however great, ever derived any lasting or ultimate benefit from thus proceeding against any nation, however weak or small."

"It is a matter of history, Mr. President, that China never sought those relations which we are abusing. She was content through unnumbered centuries, and would be content today, to remain as she was had other nations not enforce by forces, physical and moral, which were irresistible in their character, the relations of the civilized world upon her. She has a homogenous and pacific people, strong in numbers - infinitely strong - strong in her institutions, which are almost infinitely old; but she was and is a pacific people. There is not a warlike European nation to whom, as has been remarked, we should have dared to perpetrate the injustice of the act of 1888."

He called the Geary Act "an exhibition of our bad faith." The breaking of diplomatic and economic relations it would represent would expose Americans in China to retribution that the Chinese Government would be under no obligation to defend against.

"The Chinese are absolved from protecting anybody, great public feeling being excited there as here. Our people massacred the Chinese at Rock Springs. Can any better action be expected towards our people from those who do not possess one virtue in the world, according to my friend, the Senator from California [Mr. Felton] and yet who have preserved a state upon an immutable foundation for perhaps five thousand years?"

He also scoffed at the notion that China was promoting immigration to the United States, "The Chinese Government is not seeking to take possession of our institutions. It has no such desire. It does not care to see its people go abroad; it requires them to come back."

After this day of debate procedural maneuvers removed the original House bill from consideration, leaving the more acceptable Senate Foreign Relations Committee version as the sole one pending before the Senate.

April 23, 1892, a Saturday, was devoted solely to debating the Geary Act. Senator Henry Teller, Republican of Colorado, spoke of the triumph of the view that the Chinese simply couldn't be assimilated represented by the Chinese Exclusion Act, "I remember there was very determined opposition to the bill, based on the high ground that this country is an asylum and the refuge and the home of all peoples. We who favored then the restriction of the Chinese maintained, as we maintain now, that the exclusion of the Chinese from this country is no violation of that well-established and honored rule... The question of immigration of a class of people who are entirely different from ours, a class of people with whom we can have no social relations with whom our people cannot and will not amalgamate, presents in my judgment a very different question from that which is presented even when we come to consider the undesirable immigration of persons from foreign countries who are our family. We can assimilate with the most objectionable classes that come here from Europe..."

"In the whole catalogue of nations, there is no nation that is so thoroughly satisfied with itself and its surroundings as the Chinese. Their civilization to them is infinitely superior to the civilization of Europe and America. They believe their scholastic attainments are infinitely greater and better than the scholastic attainments of any other people in the world, and they are as unchangeable now in this, the last of the Nineteenth Century, as they were when they were first touched and we first learned of them through Marco Polo... They will, in contact with the civilization of Europe and America, remain Chinese, and so a reason exists for keeping them out of our country that exists for keeping out of the country no other class of people who desire to come here."

He made light of commercial ties between the United States and China saying it was greatly exaggerated. Regardless of any such ties, immigration considerations should trump economics.

"I would not favor harsh and unfair legislation because we do not trade with China, nor would I release and remit one iota of what is right and proper when we come to deal

with those people with reference to their exclusion because of the trade with China, whether it is big or whether it is small."

Senator William Stewart, Republican of Nevada, added his own voice in support of the Geary Act, even while saying he was friendly to the Chinese people he also said, "The Chinese are a very shrewd people, and resort to many devices which are cunning to evade our laws; and that creates the necessity for additional safeguards."

He applauded the fact that, "This country has come to the conclusion that we cannot encourage these people to come among us; that their presence is destructive to our form of civilization, and that we do not want them."

Senator Frank Hickok, Republican of New York, foresaw some of the problems that would arise out of the impending legislation. Presumptively assuming that every Chinese was here illegally would have consequences, "The Chinaman must, himself, affirmatively establish his right before the officer of his State; men subject to the weaknesses of human nature and doubtless not in sympathy with the immigration of Chinamen here. The officers of his state have it devolved upon them to be satisfied with the affirmative proof of the Chinese immigrant here that he does not belong to the inhibited class of laborers. The question of his employment is open, what he is doing... how he lives. He is to be subjected, he and his witnesses, to a searching investigation to prove he is not a Chinese workingman."

Senator Hickok was disturbed that such proceedings would not take place in front of any neutral court but in front of a single immigration official those judgment would be final and conclusive.

"Bear in mind that this is a summary provision. These people are not to be arrested and tried. A summary examination disposes of them."

Senator John Tyler Morgan, Democrat of Alabama, who'd repeatedly painted the Chinese in the most negative light possible and favored the strictest legislation in the past showed an unexpected resistance to the Geary Act. Alabama had to worry about its textile trade with China as well.

"Now, then, the question arises, is it proper, is it necessary, is it wise that we should start on a new scheme of legislation which destroys the right of hospitality that is provided for in the [Angell] treaty of 1880, and limit that down in such a way that no man could come from China except as a foreign minister with his servants or as consul with his servants?"

"I can see no reason for giving offense to China by the further legislative modifications of the rights of hospitality which were secured by the treaty with that country of 1880 when our experiences has been that there has not arrived a large accession, to say the least of it, of Chinese people on the Pacific Slope or in other parts of the United States."

Senator Morgan continued, "It is costing us some money to keep them out, but that is only a part of the police expenditure of the country which we have to sustain anyhow. A few of them get through Mexico and a few get through British Columbia, but the numbers that come here are scarcely to be called inconvenient. They do not come in such numbers as to present any real body of competitors in the great mass of work that is to be done in this country, and when they come here, they distribute themselves among the railroads, where labor is pretty hard to secure anyway, and in the laundries, and in the kitchens, and in the gardens, and in the vineyards, and other places where careful, patient, and painstaking hand service, menial service, is required."

Senator Morgan concluded by saying he would oppose anything that went further than a simple extension of the 1882 act.

Senator William Fiske Sanders, Republican of Montana, complained that anti-Chinese immigration laws were not being enforced strictly enough by the United States, and that the Canadians were profiting from this by charging immigrating Chinese a "head tax" for entering through Canada on their way to the United States.

"We have five or six thousand miles of frontier. Of this, about four thousand miles is a frontier of land. On either side of us, the Chinese can come with great ease. In fact, our Northern neighbors are making their influx into their communities a matter of speculation and I know of no more happy financial situation than is occupied by the British Northwest provinces who are able... to collect \$50 for their admission, and then to project them through the various canyons or over the prairies into the United States."

He also attacked the system of return certificates that had spawned from the Angell Treaty, "There are commercial marts there where the certificates of a right to return to the United States are for sale. Chinese persons coming over here get a certificate for leave to go back to China and return, and brokers along their riverfront buy them out, advertise them, and boldly sell them to persons who to some extent resemble the persons therein described. It is a great and remunerative industry. They are sold for a very considerable price, \$200 to \$300 apiece, I am advised."

Fraud was also prevalent throughout the deportation system he charged. He cited a congressional investigative committee that had found that of the cases tried, 67% of the Chinese were ordered deported but of that number only 5% could eventually be located and deported. The rest had skipped bail and disappeared.

Senator Sanders concluded with the ominous words, "It is not desirable that these people shall be multiplied in this country, but that they shall be diminished to extinction."

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.