

## **The End of Chinese Exclusion**

### **Part 2 - House of Representatives Debates 1943**

**By Philip Chin**

The House Committee on Immigration and Naturalization reported favorably on the bill introduced by Representative Warren Magnuson, Democrat of Washington, to repeal Chinese exclusion laws. H.R. 3070 didn't propose wholesale removal of restrictions on Chinese immigration but a limited immigration quota of 105 persons of Chinese descent worldwide. 75% of these spots were set aside for persons born and resident to China. Most importantly for Chinese Americans the bill proposed to remove the bar to naturalized citizenship that had been in place since 1869. However, only a few Chinese were legally entitled to this naturalization provision as they had to be already lawful permanent residents of the United States. Just a handful of Chinese in America fell into this category because of the exclusion laws so this provision was essentially symbolic. The expressed fear of a flood of Chinese immigration by opponents of the bill were therefore groundless the report concluded.

"The number of Chinese who will actually be made eligible for citizenship under this section is negligible. There are approximately 45,000 alien Chinese persons in the United States (continental, territorial, and insular). However, a large number of these Chinese have never been admitted to the United States for lawful permanent residence, which is a condition precedent to naturalization and, therefore, many of this number would not be eligible for naturalization, not because of racial disability, but because they cannot meet statutory requirements of law. The number of Chinese who will be made eligible in the future, in addition to those already here, will of necessity be very small because the quota for China is limited to 105 per annum as provided in section 2 of the bill."

The report glossed over the racist origins of the exclusion laws, claiming that they had been the result of economic factors that had changed since 1882. Of the laws negative effects the report said they had been a "source of misunderstanding" in relations and had "aroused widespread resentment" in China.

"We have had time and abundant occasion to reflect on the extraordinary qualities of the Chinese people. Above all, the tenacity and courage of the Chinese in their terrible ordeal of the last seven years has impelled a respect that we are proud to acknowledge..."

"It is fitting, therefore, that the incongruity of discriminatory legislation, inconsistent with the dignity of both our peoples, should be eliminated."

Four committee members expressed a minority opinion in opposition to the bill. Long standing immigration laws should not be changed during wartime they argued. This was a matter for postwar debate.

They also argued that by repealing the Chinese exclusion laws the United States would put the Chinese in a favored position versus their Asian neighbors who were also allied to the United States. The inhabitants of the Asiatic Barred Zone created by the Immigration Act of 1917 were all banned from immigrating to the United States. These nations would be encouraged to demand similar concessions if China were given them.

The opponents also argued that the legislation was an empty gesture that perpetuated discrimination.

"This bill simply extends the Chinese a few 'crumbs' and does not put them on an equality basis with other nations because, for example, in the case of other nationalities or races, they may be admitted from other countries as non-quota aliens when born in non-quota countries [such countries included most of the Western Hemisphere except a few West Indian Islands], or when coming here as members of a family of a citizen parent. While under this bill, any Chinese, no matter in what country he was born, is charged to the Chinese quota."

The minority members said that they had no racial prejudice against the Chinese people and urged that all possible aid be given to them in the war against Japan. However, they argued that the legislation repealing Chinese exclusion would serve no practical purpose in the war effort.

"This type of legislation is of no material benefit to China. It amounts to nothing more than a feeble gesture to do a futile thing at the expense of a sound and long-established rule of immigration."

Throughout what follows in the debates it should be remembered that supporters and opponents of the repeal of Chinese Exclusion fit into no clear geographic or political categories, unlike past debates about the laws. Democrats and Republicans from all regions of the country could be found on both sides. Most of them were not friends of the Chinese that advocated the complete removal of quotas and other immigration restrictions. Except for the true believers on the extremes of both ends of the immigration debate, most members of Congress simply wanted to win the war quickly and to keep as many of their future voters serving in the armed forces alive.

House debate on the bill opened on October 20, 1943 when Representative Adolph J. Sabath, Democrat of Illinois and chairman of the House Rules Committee, brought up a procedural resolution that would provide for four hours of debate on H.R. 3070 and allow for amendments.

Representative Sabath argued that the Japanese had significantly damaged America's image in China because, "Their propagandists stress that we are not, in fact, a friend of Chinese because we discriminate against her nationals."

He also referred back to the emotional appeal of Madame Chiang's speech to the joint session of Congress back in February, "I do not see how anyone who was present and

heard the urgent plea of that great woman, Madame Chiang Kai-shek, in this House, can possibly oppose this meritorious, just legislation."

"I feel it is our duty to remove and justice demands that we should as speedily as possible remove from Japanese propagandists the opportunity to create resentment by China, and therefore discord to our Allied Nations' effort."

Representative Samuel Dickstein, Democrat of New York and chairman of the House Committee on Immigration and Naturalization, also emphasized the propaganda value to the Japanese of Chinese exclusion, "The evidence before our committee definitely establishes the fact that there is short-wave propaganda by Japan almost daily and weekly, advising the Chinese that we are just using them as a means to our own end, and that we do not intend to use them in the proper way; that they belong to Japan and that they should form oriental unity with Japan to fight the United States."

Dickstein read from an example of Japanese propaganda, made much more powerful in Chinese eyes for being entirely true, and making Chiang Kai-shek's government look like dupes of the Americans, "In all the colonies of the dominions of the British Empire, and most conspicuously of all, in the United States, which makes a great pretense of professing justice and equality; the Chinese along with other Asiatics are treated as pariahs, unworthy of enjoying the simple rights or courtesies accorded to other people as a matter of fact. The Chungking authorities (as the Japanese referred to Chiang Kai-shek's government) must certainly know that Chinese are rigidly prohibited from emigrating to the United States and that this ban on Chinese immigration was established in the latter portion of the last century after a campaign of venomous vilification of the character of the Chinese people."

"The Chungking authorities must know that the few Chinese who are temporarily permitted to enter the United States such as international merchants, professional men, and tourists, are forced to undergo the most humiliating and discourteous treatment and detention at the various immigration stations. They are practically treated like a class apart from the rest of humanity. The Chungking authorities must also know that in most of the cities in America, unfriendly social pressure forces the few Chinese who have managed to establish their residence there, to live in segregated Chinatowns, located in the most disreputable district. Chungking authorities must also know that throughout the greatest part of the Western States of America, the Chinese are rigidly prohibited through crafty legal racial restrictions from residing anywhere except in the most undesirable neighborhoods."

"The Chungking authorities must also know that Chinese are rigidly excluded from attaining American citizenship by naturalization, a right which is accorded to the lowest immigrant from Europe. The Chungking authorities must also know that the social customs of the Americans force the Chinese to remain in the most menial of occupations, despised and mistreated, and at best patronizingly tolerated with contemptuous humor."

Dickstein admitted that past members of Congress had used viciously bigoted rhetoric against the Chinese people and civilization in their debates about Chinese exclusion. He then turned nearly a century of accepted American racism on its head by saying, "The Chinese people cannot be charged with being derelict or disloyal. They cannot be charged with not being law abiding. It cannot be charged that they are repugnant and dishonest, because everyone who has come into contact with the Chinese people recognizes that they are so much different from the Japanese that there is no comparison."

Representative Noah M. Mason, Republican of Illinois, examined the workings of the 1924 National Origins Act quotas and explained why Chinese would be subject to a quota of 105 persons under the proposed legislation. In 1880, prior to exclusion, the US Census showed 105,000 Chinese out of an American population of 50,000,000. In 1920, the population of Chinese in the United States was 74,000 out of a total American population of 106,000,000. In other words, exclusion had cut the Chinese population by 25% while the total American population had doubled in 40 years. The quota system of 1924, only allowed a percentage into the country based upon the national origin numbers revealed in the 1890 Census. This quota system, as previously described, was primarily intended to keep out Southern and Eastern Europeans, the bulk of whose populations had arrived in the US after 1890. The 1924 law had simultaneously banned all Asian immigration altogether. The percentage formula for the Chinese, if the proposed law passed, worked out to just 105 Chinese per year. This was just over the 100 absolute minimum per country established under the 1924 law. By contrast the most generous quota under the system was given to the United Kingdom at 60,000 per year.

"The erroneous understanding by most people is that the quota is arrived at on the basis of the number of people in that country, not here. Of course, on the basis of four hundred or five hundred million people in China, that is a different story; but our quota law is based on this formula and it cannot be changed unless we change the quota law."

Representative Martin J. Kennedy, Democrat of New York, argued for a complete end to the discrimination against the Chinese. One of the first bills he'd introduced early in the 78<sup>th</sup> Congress (1943-1945) was H.R. 1882, which had called for the complete repeal of exclusion laws. This bill was deliberately numbered 1882 as this was the year when the Chinese Exclusion Act was passed.

He quoted from a letter he'd sent to Madame Chiang on February 17<sup>th</sup>, two days before her appearance in front of Congress, "During the difficult period of the settlement of our West, the importation of 'cheap Chinese labor' brought with it a wave of alarmed misunderstanding and a prejudice on the part of some of our people. There was no justification for this fear. Even under the 1930 census, there were only 46,129 Chinese people in our country. We have more than that number of European refugees in a few months."

He also quoted from President Roosevelt's letter in support of the legislation sent on October 11, 1943. The president said, "There is now pending before this Congress

legislation to permit the immigration of Chinese people into this country and to allow Chinese residents here to become American citizens. I regard it as important in the cause of winning the war and of establishing a secure peace."

"China's resistance does not depend alone on guns and planes and on attacks on land, on the sea, and from the air. It is based as much on the spirit of her people and her faith in her allies. We owe it to the Chinese to strengthen that faith. One step in this direction is to wipe from the statute books those anachronisms in our law which forbid the immigration of Chinese people into this country and which bar Chinese residents from American citizenship."

President Roosevelt said that the quota of just 105 Chinese persons per year should assuage any fears of labor competition and unemployment. He also argued that placing China ahead of the rest of the Asiatic Exclusion Zone members was appropriate given China's position as a valued ally of the United States. "While it would give the Chinese a preferred status over certain other oriental people, their great contribution to the cause of decency and freedom entitled them to such preference."

Representative John Marshall Robison, Republican of Kentucky, spoke against the legislation. He said that, "The question was not brought up in China. It is being developed here in our own country, and some of the sponsors have been trying for years to break down our immigration laws, and they are using the war as a vehicle in this instance to help accomplish their purpose."

He then quoted from the American Legion's testimony during hearings on the bill in front of the House Immigration and Naturalization Committee, "Certainly our most immediate and more important job after the cessation of hostilities will be to find jobs for the millions of men and women who are or will serve in our armed forces, and no one can predict what economic conditions will prevail in this country at that time."

"We appreciate and commend the Chinese people for the wonderful service they have performed holding the Japanese at bay... The naturalization and immigration question as it affects the Chinese can wait until the war is over when basic and sound consideration can be given it without the influence of war hysteria...."

"The sum total of this proposed legislation if enacted by Congress would go far toward the breaking down of the safeguards provided by our immigration and naturalization laws..."

"We feel that the naturalization and immigration rights granted the Chinese at this particular time will be used as an opening wedge toward following through with similar rights for other groups."

Robison also noted that the Veterans of Foreign Wars and various labor organizations including the American Federation of Labor (AFL) also opposed the legislation.

He then raised the specter of the Great Depression and the sad plight of unemployed veterans of World War I who'd protested in their thousands in the streets of Washington DC (and been violently suppressed by the US Army to the horror of most Americans) in 1932, "Will we have jobs and opportunities for our 12,000,000 defenders when they come home after the war? Will we again have millions walking the streets and highways, looking for jobs and opportunities to make a living and not being able to find them?"

Representative John W. McCormack, Democrat of Massachusetts, and House Majority Leader, said that the American Legion had had it wrong when they'd argued that the Chinese busy fighting wouldn't notice the repeal of exclusion laws. He also characterized the original exclusion legislation as a dishonorable method of labor protection and that repeal would heal old wounds.

"It removes the insult of an ignoble act committed some years ago of excluding by name from admission into the United States anybody from China."

"How would we like it if any other country in the world, by express act of its legislative body or those in control of its government were to say that no American should be admitted into that country as an immigrant? Without regard to whether or not we wanted to go or whether we thought any other American should enter that country as an alien, you and I as Americans would feel insulted if we were picked out from the nations of the world as the one nation excluded expressly from admission as immigrants into any other country."

The insult of the exclusion laws was what made the Japanese propaganda effort in China so effective and was worth twenty divisions to the Japanese, he said.

McCormack presented the case for repeal as meeting American ideals and fighting for the future of the post-war world, "It is a step toward salutary internationalism based upon justice and understanding. It is a denial of the false doctrine of racism and a reiteration of the principles of equality of opportunity for life, liberty, and happiness for all mankind..."

"And when the noise of cannon and shell has ceased, the post-war quiet must fall upon an America surrounded by friends - international friends looking to America in trust and confidence and faith that her spoken ideals were the real ideals which this war was fought."

"China is more to America than an ally. She is our friend, united in her sentiment of friendship for the people of the United States. Our Constitution has been her governmental inspiration..."

"The American Constitution means to China equality of race, religion, class, and liberty under the law for all. The principles of the Government of China of today flow from their [sic] understanding of the principles of American Government..."

"It is time for us to realize that if nations cannot be gracious to each other, cannot respect each other's race, all talk of democracy is in vain."

He then returned to the exploitation of racist sentiment in Japanese propaganda and the perils of the "Europe First" strategy being employed to defeat Germany and Italy before concentrating on Japan. America risked leaving China feeling abandoned he warned, "The average American may not care what the average oriental may think of him. But beware the attitude of the peacock in our international relationships. The future world must respect the opinions of the half billion citizens of the Orient..."

"Let us not underestimate the Nipponese in their propagandizing of the natives in captive countries. Japan is stressing in the Philippines, as in all Asiatic countries, the word which has meant little to orientals under white rule 'freedom.' Japan places emphasis on our nationalistic tendencies and accuses us of imperialistic design. We are charged with having for 10 months forgotten the Filipinos because they are colored peoples and America is rushing all her troops to the aid of other white men in Europe..."

"Race hatred is the master weapon of the Nippon as well as the Nazi. It is our greatest threat to world peace."

"The enactment of the proposed legislation is legally obligatory, morally necessary, and economically indispensable for our own best interests. It is not only an act of faith, but of interest, sentiment, and justice on our part. By its passage, we are showing ourselves big enough nationally to admit and correct a mistake. We remove the sting of Japanese propaganda. We eradicate the stigma of the enduring insult America gives to the people of China."

Representative Ed Lee Gossett, Democrat of Texas, reassured the House that no Chinese would be able to come under a different nationalities quota, "Under that section, no more than 105 Chinese can come in from England, France, Germany, Italy, or from the ends of the earth. Section 2 is based on race. Only 105 persons of the Chinese race can come into this country. Seventy-five percent of this quota of 105 is given to China proper, to persons born in and resident in China. In that particular, this quota provision differs from existing quotas granted to other nations now permitted immigration. In other words, an English Chinaman, a Chinaman who is a citizen of England, would have to come into this country under this quota of 105."

Representative John Hinshaw, Republican of California, then explained just how many Chinese might be affected by ending the ban on naturalization. The 1940 Census showed approximately 77,000 Chinese in the United States, of whom 40,000 were foreign-born and 37,000 native-born.

Several generations of Chinese exclusion had taken their toll, Hinshaw pointed out. "In the period from 1890 to the present time, the number of Chinese of foreign extraction has dropped from over 100,000 to 40,000. They are dying off. They are the old people of the Chinese race in this country."

Representative John Bennett, Republican of Michigan, came out against the bill. He disagreed that repeal would improve bilateral relations or remove the sting of Japanese propaganda.

"In the first place, this bill does not give the Chinese equality of immigration with any European nation... for it very definitely discriminates against the Chinese in the following manner; Europeans may enter this country as non-quota immigrants if they were born in another country. For example, an Englishman born in South America comes to the United States as a non-quota immigrant, whereas a Chinese born in South America would be charged to the Chinese quota. Thus, you compel Chinese to come here by race and permit Europeans to come on the basis of nativity."

"The Japanese have been telling the Chinese that we are prejudiced against them because we do not treat them on an equality basis with the white race so far as immigration is concerned. This bill will do nothing to correct that criticism by the Japanese because, while we pretend to give the Chinese equality in this legislation, we do not do so."

He believed that America had only to win victory over Japan to make all well in Chinese and American relations, "Irrespective of what our past record toward China may have been, we are now making atonement in a very positive and material way. We have American boys by the tens of thousands scattered all over the Pacific islands and Far East areas, with only one objective in mind - to crush the military might of Japan and the day Japan is crushed, China will be free."

**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.