

Chinese Exclusion and America's Global Empire

Part 2 - Senate Debates of the 1902 Extension

By Philip Chin

Senate debate continued all day in a Saturday session on April 5, 1902, showing the importance that Congress placed on the legislation. Senator Charles Fairbanks, Republican of Indiana, who would later become Vice President under President Theodore Roosevelt, began debate by arguing the continued need to strengthen the exclusion law. "Some of the provisions of the bill will seem to be unduly drastic, yet they are such only as experience has suggested... To those who respect and obey the law, they will not seem burdensome; they will seem severe only to those who wish to nullify it and to secure the wrongful admission of the Chinese for the large profit which the nefarious traffic offers."

He also argued that The United States didn't impose exclusion out of hostility to China, that in fact the United States was friendly and protective of China. He cited the "Open Door" policy that had prevented the country from being divided by Western colonial powers after the Boxer Rebellion, "We have but to recur to the events of the past few years to find the amplest assurance of American friendship for that great and venerable Empire. When other nations sought her dismemberment and distribution of her provinces among the powers of the Earth, the United States stood first and foremost in favor of the preservation of her solidarity."

Senator Fairbanks lauded America's accessibility to the world but not to persons unable to assimilate, implying the rather contradictory view that while the United States liked China as a country they simply didn't like the people that lived there.

"We should not admit those who will pull down and degrade our high standard."

"They do not harmonize with us. Upon their admission, they become an undigested and undigestible mass."

Exclusion would benefit both countries he said, "This is in the mutual interest of the United States and the Chinese Empire for it will avoid inevitable friction and discontent and the disturbance of those friendly relations which have always subsisted and which now happily exist between the two great powers."

Senator Henry Cabot Lodge, Republican of Massachusetts, argued that, "It is absolutely necessary, as anyone can see, to determine whether a person purporting to belong to any of the excepted classes is really of that class. That is the entire object and purpose of these clauses... There is a constant and unceasing attempt to bring into this country as merchants or teachers or students or travelers, members of the prohibited class of laborers or colliers. It is to prevent that fraud that the clauses in the bill exist."

"I say here on the strength of the testimony which I have heard and read that there is no difficulty in any genuine member of those classes coming in here, but when our officers are met with frauds constructed with all the ingenuity of the Oriental mind to bring coolies and laborers in here under the guise of the excepted classes, it is necessary to have stringent provisions for reaching the distinction which it is our duty to make."

Senator Boies Penrose, Republican of Pennsylvania and chairman of the Senate Immigration Committee, illustrated the system for skirting the law allegedly used by the Chinese Six Companies, otherwise known as the Chinese Consolidated Benevolent Association 中華會館.¹

"It was distinctly testified to before the committee that the Chinese coolies paid from four to five hundred dollars for admission to this country, for their coaching papers, for various feed to corrupt the administrative officers of the Government, to the lawyers who had charge of their case at various ports of entry, and finally the Six Companies who advanced the capital and superintended the whole business. These coaching papers are to be found in the testimony, and evidence was produced to show how they were smuggled into the detention houses, concealed in soups and pies and other forms of food, reciting at length how a Chinaman could be induced to commit perjury. There is supposed to be a profit of some \$200 on every mail Chinaman smuggled into the country, and two or three thousand dollars upon every female Chinese smuggled into the United States."

Senator Jacob H. Gallinger, Republican of New Hampshire, worried about the reports of harsh treatment of Chinese immigrants, "I have here a San Francisco newspaper - the *News Letter* - the entire front page of which is devoted to a discussion of the examinations that are made of these men on this side, and this newspaper from the Pacific Coast claims that the examination is exceedingly unfair and unjust to the Chinese, and that they are deported without proper authority."

Senator Fairbanks responded, "I have more sympathy for the people of this country than I have for the Chinese seeking admission to the United States unlawfully. They know what the laws are when they go to the consuls of the United States to perpetuate fraud upon them; they have no equity which justifies us in abandoning here all effort to exclude them when they reach our shores."

Senator Orville Platt, Republican of Connecticut, worried that the bill overreached the terms of the Gresham-Yang Treaty of 1894, citing the Treasury regulations that

¹ The Six Companies (which in fact totaled more than six companies) was and is an alliance of various Chinese district associations that had been organized to provide mutual aid and philanthropic charity to the Chinese in America. They were often cited by Congress and by the American popular media as a criminal enterprise engaged in people trafficking, prostitution, and the opium trade. Gangsters were members of the district associations but then so was almost every Chinese in America at the time, law abiding or otherwise. Faced with official and societal hostility in America from all corners the associations or tongs as they were called were the only form of mutual assistance, charitable help, and often community interaction that the Chinese had available to them.

currently governed immigration that were much more liberal than what Congress now proposed in regards to exempted classes. "This proposed statute has been made very much more drastic than that Treasury ruling, which the Senator from New Hampshire [Gallinger] has read, so much so that I want to repeat here that under it, it is practically impossible that any of the exempted class known as teachers can be admitted into the United States... Not more than three or four Chinese teachers can be admitted into the United States under this statute. Now, will Senators tell me what China understood when it said that its teachers should be admitted into the United States... and accorded all the privileges and immunities of the citizens and subjects of the most favored nation, and might reside here?"

"The term 'students' used in this act, shall be construed to mean only one who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation for which adequate facilities for study are not afforded in the foreign country or territory of the United States whence he comes, and for whose support while studying sufficient provision has been made, and who intends to depart from the territory of the United States immediately upon the completion of his studies."

Senator Platt worried about the effect that barring Chinese students from the United States would have. Such students could transform China with the values and life lessons they had learned in the United States as several had already done.

"They have at Tientsin a university where the facilities for higher education are afforded. That will shut them out, if nothing else. It is not necessary in my judgment, Mr. President, to so strain the provisions of this treaty and to so arbitrarily enforce them in order to prevent the coming of Chinese laborers into the United States."

A short Senate debate resumed on Monday, April 7th. Senator Furnifold M. Simmons, Democrat of North Carolina, reluctantly supported the bill. He'd led the White Supremacy movement in his state and was definitely no friend of racial minorities but his state's textile industry was actively campaigning against the bill because of their extensive trade with China. "While we do not understand the prejudices of the people of the Pacific Coast toward the Chinaman, we know the fact that it exists and we believe there is foundation for it, and because we do so believe, and because the people of the Pacific Coast are chiefly concerned in this matter, we are ready to join with them."

He then complained that Southern states had not received similar consideration from the rest of the nation for their own racial policies of segregation, "If the North and the West and the East are determined to saddle and fix upon us obnoxious social conditions, we will not in the spirit of retaliation seek to enforce against other sections similar and equally objectionable social conditions."

Senator Shelby Moore Cullom, Republican of Illinois, reviewed the history of Chinese and American relations on April 8th. He recalled when Anson Burlingame had appeared in front of the House of Representatives in 1868 to negotiate the Burlingame Treaty when then Representative Cullom had been present, "We were anxious at that

time to cultivate a close friendship with china, and we were perfectly willing that the Chinese should immigrate to and settle in the United States."

"By this treaty, we invited immigration from China and guaranteed those immigrants the same protection as we guaranteed the people of other nations coming to the United States. No distinction was made between Chinese laborers and other classes of Chinese. We invited them to come, and they accepted our invitation and came in large numbers and settled principally on our Pacific Coast. That they assisted greatly in the development of the West and in the construction of railroads cannot be doubted. While they built railroads and, to a limited extent, worked in the mines, they were principally engaged in menial work which it was difficult to procure others to perform. In 1860, there were 34,933 Chinese in the United States, and in 1880 there were 105,465."

He then spoke about the economic depression of the 1870s that had precipitated anti-Chinese legislation by 1882 and the history of enforcement leading to progressively stricter laws and punishments culminating in the Geary Act of 1892, "This Act places the burden of proof on the Chinaman when arrested to prove his right to remain in the United States; or it adjudges him guilty until he proves his innocence, which is a reversal of the ordinary rule of procedure. It provides for the removal of Chinese illegally in the United States; and it also provides for the imprisonment of persons adjudged not lawfully to be entitled to remain here at hard labor, not to exceed one year, and thereafter to be removed. In other words, they are to be put in jail, kept there a year, and then sent home. It provides that no bail shall be allowed pending the disposition of the application of a Chinaman for a writ of *habeas corpus*."

"It appears plain to me that the bill under consideration is a violation of our treaty with China. It is not only a violation of the spirit and general effect of the treaty, but in some instances it is a violation of the letter of the treaty."

As an example of such a treaty violation he quoted the Gresham Yang Treaty of 1894, which had absolutely forbidden the immigration of Chinese laborers in the United States, exempting only registered laborers with a lawful wife or parent in the US or American property worth at least \$1,000. The treaty was due to expire in 1904 and if neither party objected would remain in force until 1914. But the new legislation proposed to extend the ban indefinitely even if China withdrew from the treaty.

He also cited the definitions applied to the exempted classes, "Those terms - namely, officials, teachers, students, merchants, or travelers - are not defined in the treaty and are intended to be used in their ordinary sense. This bill gives to the words ' teachers, students,' and 'laborers' peculiar and unheard of definitions."

"I can readily understand that it is somewhat difficult perhaps to make regulations which will not seem to be a little severe, but there seems to be a studied effort on the part of the committee in charge of this bill to make a measure under which no Chinese can come into this country."

Senator Collum also pointed that the definition of laborers was overly large; anyone who failed to establish that he was not a laborer would be presumed to be one. Also unduly sweeping was the registration system that required that all Chinese have certificates of registration, even if they were in exempted classes.

Existing laws and enforcement was working to reduce the Chinese population as it had declined from the approximately 105,000 in 1880 to just 93,000 by 1900. The senator was careful to point out that while he supported the exclusion of Chinese laborers that he was against the present legislation.

"My belief is that we ought not to pass any law in disregard of our treaty obligations; that we can continue the present law until the [Gresham Yang] treaty of 1894 shall expire, if notice shall be given that this Government does not desire it to be continued for another ten years; and in the meantime a new treaty may be agreed to which will abrogate any possible treaty stipulations against the absolute exclusion of Chinese laborers and which will permit us to enact such legislation as we deem necessary for the protection of our country from the influx of these Chinese laborers into the United States."

Labor and labor unions played a major role in the push for new anti-Chinese legislation. Terence Powderly, the former head of the Knights of Labor union, had been appointed by President McKinley as US Commissioner General of Immigration where he'd zealously pursued Chinese immigrants to get them deported or barred from entering the country through every legal and illegal means available. He retired in April in the midst of the debates over the Mitchell bill, but was still advising Congress on immigration matters. His successor, Frank P. Sargent, appointed by President Theodore Roosevelt, had led the Brotherhood of Locomotive Firemen union from 1885 to 1902. Powderly and Sargent were the first two of a long line of union leaders appointed to the position of Commissioner General of Immigration by Republican presidents in an effort to win labor votes prior to their decisive switch to the Democrats in the 1930s. All of these commissioner generals shared an almost obsessive need to restrict and block the immigration of those they regarded as inassimilable races and nationalities. Sargent was a close associate of Samuel Gompers, leader of the American Federation of Labor (AFL) that was campaigning strenuously for further restrictions on Chinese immigration (as well as immigration from Southern and Eastern Europe.) The AFL had submitted a document to Congress in support of the Mitchell bill which among other uplifting passages compared Chinese immigration to a malignant tumor and spoke of a historical genocidal massacre in the Philippines as a solution to the Chinese problem. The pamphlet was entitled, [Some Reasons for Chinese Exclusion: Meat vs. Rice - American Manhood Against Asiatic Coolieism.](#)

Senator Thomas M. Patterson, Democrat of Colorado, supported formally extending exclusion to the Philippines, which the AFL pamphlet had helpfully pointed out was also needed to protect Filipino labor from the more industrious Chinese and prevent another massacre. This would codify what had become the administrative practice to extend the Chinese Exclusion Act to the new colony in violation of existing treaties between China and the United States.

Senator Patterson said, "The Philippines, unless they are embraced within a Federal exclusion law and unless the coming of the Chinese from the Philippine Islands to the mainland is prohibited, will simply be a stepping-stone between China and the United States, by mean of which an almost unlimited Chinese population can reach this country."

He then blamed China for allowing the exempted classes and the subsequent restrictions placed upon them, ignoring the fact that such conditions had been imposed by the United States, "When a treaty excludes all Chinese except certain excepted classes, and names those who are excepted, then, under every rule of construction, all are excluded except those expressly mentioned and when it is complained that under this bill a banker or a physician or others cannot come in, we have a right to say it is the fault of China, for China consented to a treaty which excludes them."

Chinese would be better off staying at home rather than in the United States he concluded, "...in the midst of a hostile population, a population in which he is held as a degraded being and looked upon as an outcast and an interloper."

Senator George R. Perkins, Republican of California, claiming a special knowledge about the Chinese problem as a former governor of California from 1880 to 1883, painted them in apocalyptic terms.

"The better the opportunities for learning what the Chinese are and what effect their presence in large numbers would have in this country, the greater is the proportion of Americans who believe in restrictive measures and the more rigorous they believe those restrictions should be."

"Where two races so radically different as Chinese and Americans freely intermingle in large numbers, there must be assimilation or the subjugation of one to the other. The experience of the United States for fifty years and other countries for far longer periods, proves conclusively that the Chinese are not assimilative... If they are not assimilative, they can only be a foreign body within our borders and must, ion the nature of things, either suppress or be suppressed."

"The Chinese have no sympathy with and no affection for our people and our institutions. For that reason, I am opposed to their coming into this country. They come like locusts to sweep the substance from our land to carry it back to their own native heath."

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.