

## **Chinese Exclusion and America's Global Empire**

### **Part 4 - Senate Debates of the 1902 Extension**

**By Philip Chin**

Senate debate returned to the concerns about trade relations with China on April 15, 1902. To be clear about their motives, Southerners, almost exclusively Democrats, were not in favor of Chinese immigration. In their speeches they took every opportunity to make it clear that they regarded Asians and African Americans as equally inferior races. What had changed by 1900 were the weight of concerns that regional politicians faced. Previously, Western and Southern politicians had been united in the common interest of establishing racially exclusionary laws, albeit aimed at different races. They needed each other's support to roll over any opposition and to prevent these laws from being challenged. Jim Crow had now been the established law in the South for the past twenty years just as Chinese Exclusion had been for the entire United States. Few politicians, Senator George Hoar of Massachusetts being a lonely example, or the population at large, seriously contested the wisdom and justice of these racist laws anymore. While Chinese immigration remained a burning issue for Westerners as well as labor union allies across the Midwest and Northern United States, the Southerners were far more concerned with jobs provided to their constituents through trade with China.

Senator Henry Heitfeld, Populist Party of Indiana, addressed these Southerners saying that trade concerns were exaggerated and that China would keep buying no matter what, "No exclusion laws that may be passed by the lawmaking power of this country will keep her from buying from us if we can sell cheaper than other countries." He cited the example of Japan which had beaten China in the war of 1895 but doubled trade by 1902 despite continuing hostility.

Senator Jeter Pritchard, Republican of North Carolina, (and the only Southern Republican in the Senate) was not reassured by these words. "It is the sheerest folly to assert that the Chinese Government will submit to any further measures that are embodied in the present Geary law, especially when the pending bill so ruthlessly disregards and openly violates existing treaty rights. That she will as a self-respecting nation adopt some means of retaliation goes without saying."

"I cannot support the bill which has been reported by the committee, for its adoption would prove disastrous to the cotton manufacturers of the South, and would result in curtailing the amount of goods manufactured and lessen the demand for labor, which would necessarily result in lower wages of operatives employed in the cotton mills of the Southern States."

Trying to shore up support for the bill in the face of wavering Southerners and squeamish Republicans, Senator Charles Fairbanks, Republican of Indiana, offered

amendments to delete the controversial definitions of "teachers" and "students" from the bill.

Senator Boies Penrose, Republican of Pennsylvania, reluctantly supported the amendments, saying that Treasury Department guidelines were sufficient for defining the two categories. Codifying the restrictions into law would just formalize what was already actual practice in immigration administration. He was more concerned with the countering the threat represented by the Platt amendment to simply continue the laws as they were rather than expanding them.

The Mitchell bill enjoyed strong support from American workers and the labor unions he argued, "The bill which is now under consideration is as urgently demanded by the laboring people of the States of Pennsylvania as it is by the people of the Pacific Coast. All our great industrial centers, all our miners unions and other labor organizations throughout the anthracite and bituminous regions of Pennsylvania urgently demand and insist upon the enactment of effective legislation to exclude the Chinese laborers from our territory."

He quoted the American Federation of Labor (AFL), created in Pittsburgh, Pennsylvania in 1891, that committed the organization in their founding documents, "...to get rid of this monstrous evil which threatens, unless checked, to extend to other parts of the Union, by the dissemination of information reflecting its true character and by urging upon our representatives in the United States Congress the absolute necessity of passing laws entirely prohibiting the immigration of Chinese into the United States."

He conceded that the legislation was unusual and harsh, "It is admitted and must be understood that this legislation is extraordinary in character. The reason is that we are confronted with the menace that has threatened the white peoples of Europe for thousands of years. First, it was military and warlike competition with the Mongolians; now it is industrial competition with them. It is legislation directed against a particular people. The provisions of the law are stringent and unusual. The principle of exclusion herein embodied is the product of national development, and has become a vital principle of national policy, essential for the protection of American citizenship and for the preservation of American civilization."

Senator Penrose pointed to China's own restrictions on foreigners as justification for America's exclusion policy, "From the outset, the position of the foreigner in China has been one of violation and exclusion. His rights have been limited under the treaties to specific objects within the narrow limits of the treaty ports and extended only at the will of the Chinese Government to resident and travel in the interior..."

"Innumerable incidents might be mentioned where citizens of the United States, peacefully dwelling or traveling in China, have been the victims of mob violence and of hostile aggression on the part of the local authorities."

"The restrictions upon foreigners in China are especially narrow as to vocation, residence, and travel. In fact, Chinese legislation is based on the great primitive fact

that natural barriers exist which seem to forbid the assimilation of the foreign element with the great Chinese race..."

Senator George Turner, Democrat of Washington, spoke next. He'd been a Republican who'd lost his Senate runs in 1888 and 1892 before being elected on a fusion ticket between Silver Republicans, Democrats, and the Populist Party in 1896 before switching to the Democrats. His bitterness against the Republicans as a former follower was expressed in full as he accused them of wanting to weaken exclusionary policies.

"The Republican finds its chief end and aim and object in life in the conservation of wealth, instead of in the protection of the common people of the land... I believe that those who vote in favor of the Platt substitute will do so because way down in their hearts, they are opposed to restricting the immigration of Chinese to our country, and they are opposed to it because the manufacturing corporations, the transcontinental railroads, and the steamship companies want unrestricted Chinese immigration into this country."

"Do you want a lame, a halting, an inefficient administration of the laws relating to the exclusion of Chinese from our shores? Do you want as many holes to be punched into those laws as possible? Do you want to leave as many loopholes as possible to enable Chinese to come here? If you do, then you want to vote for the Platt substitute for the pending bill, because that is what it will do."

He then submitted eleven telegrams into the *Congressional Record* from labor organizations from his state supporting passage of the Mitchell Bill.

Senator John Spooner, Republican of Wisconsin, took strong exception to the accusations made against the Republican Party, "...there is no man, so far as I know, is in favor of throwing open the gates to the immigration of Chinese labor. We are afraid of them; that is the truth about it. They cannot become citizens of the United States. They create Chinese societies in our midst which are as isolated as if they were in China. They are acute, patient, thrifty, imitative, able, and with a standard of living which would enable them, if they could come here at will, to drive American labor to the poorhouse, if America would permit it, which American labor would not..."

"I do not yield - and I think I speak in that respect for every Senator on this side of the Chamber - to the Senator from Washington in the slightest degree in strength of purpose and desire to exclude Chinese labor from the United States."

In response to further arguments, even from opponents of the Mitchell bill, that his amendment didn't bar Chinese immigration to the United States from the Philippines, Senator Platt, modified his proposal to include such a ban.

Senator Henry Cabot Lodge, Republican of Massachusetts, ended the day by submitting an amendment removing the bar against Chinese sailors serving on American flagged vessels.

The eleventh day of debate on the Mitchell bill started on April 16, 1902 with a statement read by President Pro Tempore William P. Frye, Republican of Maine quoting a message signed by Samuel Gompers and the American Federation of Labor (AFL) Executive Council urging support for the bill in its entirety. The message especially highlighted the ban on Chinese sailors on American ships to prevent "contamination" and urged the defeat of the Platt amendment.

Senator George Turner, Democrat of Washington, returned to his theme of attacking the Republicans from the day before. He explained his conversion from the Republican Party in the days of Abraham Lincoln to the Democrats by saying that the Republicans had lost their connection to the people, "It stands today not for a pure and simple administration of this government in the interest of the common people of the land, but it stands for the material interests of the nation, for the corporations, for the trusts, and for the enormous aggregation of capital which come to the halls of Congress and demands exceptional legislation in their favor."

The same big business interests that supported the Republicans stood against Chinese exclusion he argued, "The transcontinental railroads have had their agents here, inveighing against this measure. The great shipping companies on the Atlantic and Pacific Coasts have had their agents here inveighing against this measure. The business interests, the commercial interests, the trade interests, affect to have been frightened by this measure. They have all exerted their influence to bring about the operation of this ingrained tendency of the Republican Party to oppose everything which wealth wants defeated to deny to the people everything which they want enacted."

The United States should dismiss the claim that they would violate treaty obligations by enacting the bill. Agree to treaty changes with the Chinese was impossible he argued because the Chinese were all dishonest even up to the Emperor of China, "It is known that not only deception but corruption prevails from the highest to the lowest in the governmental service of China."

Senator Charles Fairbanks, Republican of Indiana, added his final arguments in favor of the bill, "I shall be glad to see the Chinese labor population diminish and their places taken by Germans, by Dutch, by English, by Scandinavians, by other nationalities from whose blood we have sprung and have become the most puissant people on the face of the globe."

Again he argued that such legislation didn't reflect any American hostility towards the Chinese people citing the protection that the United States had offered when the European powers and Japan were set to divide China's territory after the Boxer Rebellion. He didn't mention that the Open Door Policy not only kept China from being divided but also and much more importantly from the American standpoint left it open to American business and trade.

The floor was then opened to debate about the amendments. First on the agenda was Senator Henry Cabot Lodge's amendment removing the prohibition against Chinese sailors serving on board American ships.

Senator William Stewart, Republican of Nevada, and one of the early proponents and strongest supporters of Chinese exclusion observed, "I suppose it would be impossible for an American ship to cross the Pacific Ocean and return if it could employ only American citizens."

He argued that passage of a law barring Chinese sailors would only end up hurting Americans as ship owners would simply flag their vessels in some other country to escape American law. (Stewart was quite prescient. American ships began registering in other countries after 1920 to escape increasingly strict American labor laws and ship safety inspections. This course was followed by other countries until today most of the world's ships are registered in Liberia, Panama, or under some other flag of convenience.)

Stewart believed that the conflict between laborers and management over this issue and other business questions were senseless, "It is an absurdity to assume that anything which benefits commerce, which benefits industry, which makes wealth, is prejudicial to labor. All wealth is produced by labor, and if you destroy the means of producing wealth, you destroy labor... The laboring people of this country are not such imbeciles as to think that this particular provision would be in their interest."

To possible charges from the labor unions that he might be a closet Chinese supporter he highlighted his long and impeccable credentials as an advocate of Chinese exclusion starting with his filibuster of Senator Charles Sumner's attempt to legalize the naturalization of Chinese in 1870. He was proud to boast, "But for me, as the (Congressional) *Record* will show, the Chinaman could have become a citizen."

With even the strong supporters of anti-Chinese legislation divided over the issue, the arguments of the ship owners prevailed. The Lodge amendment passed with forty-seven senators in favor, twenty-nine against, and ten absent. Chinese sailors would not be barred from serving on American ships by the government. While the AFL's sentiment matched the public's racist mood in support of Chinese exclusion their efforts on behalf of American sailors to organize into an AFL affiliated union were just starting. Unions just weren't powerful enough yet in the shipping industry to get their way on this issue.

Senator Edward Carmack, Democrat of Texas, then pointed out that there were Chinese that were born American citizens (this came under the Wong Kim Ark ruling by the US Supreme Court.) Under the current proposal these American citizens would be barred from traveling between the United States mainland and its overseas territories. That would leave the law open to constitutional challenges in the federal courts and subject to being overturned.

Senator George Hoar of Massachusetts agreed that the proposed law was unconstitutional as it stood as it included without any American citizenship exception, "...all male and female persons who are Chinese either by birth or descent, as well as those of mixed blood as those of the full blood."

Senator John Mitchell conceded that his bill was defective in this regard and offered an amendment to exempt American citizens of Chinese descent from travel restrictions. This amendment was carried by voice vote.

As many senators must have known the Treasury Department had no qualms about deporting anyone of Chinese descent regardless of their nationality, American or otherwise. Any Chinese foolish enough to travel overseas risked being deported upon their return solely at the discretion and whim of immigration administrators and the Secretary of the Treasury. The US Supreme Court made this position clear in *United States v. Ju Toy* in 1905. A federal district court had recognized Ju Toy as an American citizen but he'd been deported anyway by the Treasury Department. Justice Oliver Wendell Holmes delivered the majority opinion saying that Chinese, even those with American citizenship, had no right to use the federal courts to challenge such administrative decisions of the Treasury Department or its officials as Congress had clearly shown its intent to treat the Chinese differently by passing Chinese exclusion and other discriminatory laws against them.

Just how little American politicians respected the Chinese despite their pious words to the contrary was clearly evident when Senator Matthew S. Quay, Republican of Pennsylvania, introduced an amendment to allow the immigration of Chinese who'd joined in the defense of Western diplomatic legations and religious buildings during the Boxer Rebellion. Quay said that without the help of these Chinese the defenses would have failed. The murder of many thousands of completely uninvolved Chinese Christians and their families simply because they were of a foreign religion left no doubt as to how their fellow countrymen viewed them. The surviving Chinese in question remained in a perilous position in China because these clearly were Western collaborators, not just suspected ones. The numbers of those eligible under Quay's proposal were negligible, just 600 to 800 persons, not even amounting to a single day of European arrivals at Ellis Island. A roll call vote was taken and only seven senators voted in favor. Sixty-eight senators voted against the proposal with thirteen abstentions. So much for American gratitude.

Debate then resumed about Senator Orville Platt's amendment to continue the laws as they were in compliance with the Gresham-Yang Treaty of 1894. Senator Platt cited the provision of the Mitchell bill that declared anyone not an official, teacher, student, or merchant would automatically be classified as a laborer. This idea had been introduced by American negotiators in 1894 but had been expressly rejected by the Chinese side. Platt said that, "To go now and put it into this bill would be a direct insult to China."

He summed up his argument against the Mitchell bill thusly, "This legislation is unnecessary to continue the exclusion of Chinese laborers; It is offensive to the Government of China, with which we wish to remain on good terms; and then it is bad legislation in that no bill ought to include all Treasury regulations and decisions in it."

Senator John Mitchell then proposed to add to the Platt amendment the provision that Chinese laborers in the Philippines be required to secure a certificate of residence within eight months or thereafter be presumed to be deportable. Such a requirement had

already been made for Chinese laborers in the Hawaiian Islands. Having learned his lesson in constitutional law, Mitchell made sure to exempt Chinese with American citizenship from the restriction.

Senator Platt objected to this addition but the Mitchell amendment was agreed to by forty-one to forty votes with seven not voting.

The revised Platt bill was then passed with forty-eight votes, thirty-three against, and seven not voting. The final bill was then submitted to the entire Senate for a final vote.

In a last statement, Senator George Hoar, Republican of Massachusetts, spoke out one final time in opposition.

"I cannot agree with the principle upon which this legislation or any legislation we have had in this country since 1870 rests. I feel bound to enter a protest. I believe that everything in the way of Chinese exclusion can be accomplished by reasonable, practical, and wise measures that will not involve the principle of striking at labor because it is labor, and will not involve the principle of striking at any class of human beings merely because of race, without regard to the personal and individual worth of the man struck at. I hold that every human soul has its rights, dependent upon its individual personal worth and not dependent upon color or race, and that all races, all colors, all nationalities contain persons entitled to be recognized everywhere they go on the face of the earth as the equals of every other man."

"As this bill violates that principle, in my judgment, I am bound to record my protest if I stand alone."

The final vote was seventy-six to one.

**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.