The principal sponsor of the House of Representatives version of the Mitchell bill introduced on April 4, 1902, was Representative Julius Kahn, a Republican from San Francisco and an immigrant from Germany.

Representative James B. Perkins, Republican of New York and member of the House Committee on Foreign Affairs, summed up the Kahn bill then included the recommendations from the committee on changes that they felt were needed to it.

1. Every ship docking in the United States must pay a bond of $2000 for each Chinese on board to be forfeited if the Chinese illegally landed in the country.
2. The 250,000 Chinese living in the Philippines should be barred from entering the United States.
3. The Chinese Exclusion Act should be extended to the Philippines.
4. Treasury agents should be employed to register all Chinese in the Philippines. The committee disagreed with this provision and wanted to leave it up to the Philippine Commission under William Howard Taft, who would later become President of the United States, to determine how registration should be handled.
5. The Kahn bill barred Chinese sailors from serving aboard American ships. The committee disagreed with this provision on the same grounds as the Senate had. Namely, they feared that it would only lead to the loss of American jobs as ship owners switched their ship registration nationality.

Representative James Beauchamp "Champ" Clark, Democrat of Missouri, pointed out that it was America's imperialist foreign policy that he had stood against that had so complicated Chinese exclusion policy by annexing the Philippines. This was doubly compounded by the Wong Kim Ark case of 1898 when the Supreme Court had ruled that Chinese born in the United States were American citizens. He pointedly asked if the Supreme Court would soon similarly rule that natives in the Philippines were American citizens as well.

He also pointed out that it was the Republicans that wanted to strike the provision barring Chinese sailors from working on American merchant ships. Democrats would prefer to keep that ban and would offer an amendment to restore the provision.

He quoted from the minority views in the House Committee on Foreign Affairs report, "The question of Chinese exclusion is largely a racial question and largely a labor question."

Expanding on the racial dimensions, Clark said, "Individually, I go further and say that the Chinese question is the race question of the Pacific Coast. There is no use dodging it. The Chinese problem is to the Pacific Coast what the negro problem is to the southern
States, except that the race question of the South is entirely a domestic question, while the race question on the Pacific is complicated with international questions. I believe, moreover, that the white people of the South are the most capable of dealing with their race questions just as the white people of the Pacific Coast are most competent to deal with their Chinese race question."

"Upon these race questions, I unhesitatingly take my position with the white people of the South and the white people of the Pacific Coast."

Democrats he said would proudly toughen the racial provisions of the proposed law. The Republican majority in the House defined "Chinese" in the bill as, "...all male and female persons who are Chinese either by birth or descent." To this the Democrats would add, "as well as those of mixed blood as those of the full blood."

Clark explained his reasoning, "If you cut that section off at the word 'descent,' there is not a Chinese in Hawaii or in the Philippines who will not be able to prove that he has a strain of some other sort of blood in him. Every one of them will turn out to be a mulatto."

"By common consent down South, anybody who has one drop of negro blood in him is classed as a negro. If that applies to the negroes, it certainly ought to apply to the Chinese."

Democrats would also retain the strict definitions of exempted classes such as teacher and student that had been dropped from the Senate bill. The "utter duplicity of the Chinese character" he said, required as much.

Representative Clark wanted to keep the provision that barred Chinese from traveling from the American territories to the mainland without any exemption for Chinese with American citizenship precisely because he knew the law would then be challenged on constitutional grounds. That would give the Supreme Court the opportunity to reverse what he said was their error in the Wong Kim Ark case.

"I do not believe that the decision of the United States Supreme Court in Wong Kim Ark against the United States, declaring that the Chinese born in this country of Chinese parents are American citizens, is a sound and just decision. I want to see them compelled to decide that case over again, and the only way you can compel them to decide that question again is to put that language in the bill."

He believed that the Supreme Court's interpretation of the 14th Amendment upon which the case had been decided had been flawed. The 13th, 14th, and 15th Amendments had all been passed "for the sole benefit of the negroes."

"I do not believe that the Congress that passed the Fourteenth Amendment was thinking any more about making citizens out of the Chinese than they were about making a citizen of the man in the moon."
He was worried that any continuation of the existing law would depend on the variable whim of the Supreme Court. Provisions of the Scott Act of 1888 were still being argued in the federal courts so new legislation was needed to preempt any possible court decisions, "You will go through the performance of continuing the laws that are in existence, and the Supreme Court will declare them all bad, and in three weeks they will import 100,000 Chinese coolies, and there you are."

He predicted apocalyptic consequences from such a decision, "If they ever get here in large numbers, they will drive the American laborers out, or the American laborers will kill them, mob them - one or the other."

"It is largely a racial questions, and it raises the paramount issue, 'Shall the white man continue to dominate the Western Hemisphere, or shall he be placed in the process of ultimate extinction and be supplanted by the yellow man?'"

"I know that the provisions of this bill seem cruel. I understand perfectly well that they seem to run counter to everything we have ever advocated or offered to the world; but, in my judgment, they are absolutely necessary to secure the desired end."

Representative Robert Adams, Republican of Pennsylvania, argued that the proposed bill as recommended by the Foreign Affairs committee accomplished the exclusion of Chinese laborers without needlessly damaging trade relations with China. He was particularly against including overly strict regulations regarding the exempted classes that would impede meetings between the educated classes of the two countries.

"China was a civilized for centuries while we were wandering Huns and Goths in the forests of Europe and wild men on the heather of Scotland and Ireland. I believe China can teach us much out of her past history and much of her great sciences that were known to her before we were even heard of. I want intercourse between the two countries. I want that development between the Orient and the rapidly growing West which will tend to the advancement of the world..."

Representative Julius Kahn spoke for the first time in the debates for his bill arguing that the Chinese had brought such restrictions on themselves. He was particularly incensed by the various frauds perpetuated to take advantage of loopholes in the law such as the right of return for Chinese living in the United States prior to passage of the 1882 exclusion law and fraudulent claims to be among the exempted classes. He said that ninety percent of the frauds were by people claiming to be merchants.

"It has been maintained that the attitude of our Government is exceedingly severe in the matter of Chinese exclusion; that our laws have been becoming more and more stringent and drastic; but I submit if the Chinese people themselves would deal honestly with us, and if they resorted less to trickery and duplicity to circumvent our laws, then there would be no need of closing up all possible loopholes in the law with the seemingly severely restrictive measures that the Chinese themselves make necessary."
He dismissed the suggestion that trade would be damaged as China had never retaliated after the exclusion law and its many extensions were passed. He concluded from this history that, "It is universally conceded that commerce is not influenced by sentiment and that commercial peoples purchase where they can buy to the best advantage."

He quoted the writings of Bayard Taylor, whose book, "A visit to India, China and Japan in the year 1853" had been cited in the first exclusion debates of 1879, "It is my deliberate opinion that the Chinese are morally the most debased people on the face of the earth. Forms of vice which in other countries are barely named are in China so common they excite no comment among the natives. They constitute the surface level, and below them there are depths of depravity so shocking and horrible that their character cannot even be hinted."

Kahn concluded, "For nearly fifty years the Chinese have lived in this country. Their daily intercourse with the Caucasian has not materially changed their customs or habits. Mr. Taylor's description of conditions in China is undoubtedly equally applicable to any Chinese community in our country."

Representative Henry Naphen, Democrat of Massachusetts, blamed the Chinese for the riots and violence directed against them, "The presence of Chinese has given rise to serious disorder on many occasions. It is part of justice, I admit, to punish the perpetrators of such wrongs, but it is part of prudence to remove the inciting cause."

But he was against removing birthright American citizenship for the Chinese, "Much as I am in favor of an exclusion act, I desire to place on record my opposition to section 2 in its present form, which provides that the prohibition of Chinese immigration shall apply to those born in our insular possessions since their acquisition, and those who may be born there hereafter. We have no right to prevent the free transit of any person born in the insular possessions whose parents have a permanent resident and domicile therein, be they Mestizos or Chinese."

"We hold our insular possessions under authority from the Constitution, and must be governed by its terms. You cannot violate or set aside a single sentence or clause under any circumstances. If we admit that Congress can do this, then the whole instrument falls to the ground and there would be no Constitution and no Congress."

"We cannot by legislative action discriminate against persons born in our insular territories, after ratification of the treaty, (the Treaty of Paris that ended the Spanish American War) so as to exclude them from their natural, civil, or political rights."

Representative Henry W. Palmer, Republican of Pennsylvania, concluded the day of debate with words about the ideals of America, "To those who fly from the persecution of tyrants, if they are industrious, law-abiding, and God-fearing, and if they seek homes and citizenship in this fair land of opportunity and freedom; if they come to cast their lot with us, renouncing all allegiance to foreign princes and potentates, to help in building up the great Republic, the gates should not be closed. For the anarchist, who would destroy all government; for the criminal, fleeing from punishment for crimes
committed, and for the Chinese, whose coming in large numbers would tend to lower the standard of citizenship, lessen intelligence and impair virtue, and therefore weaken the support upon which the perpetuity of the Republic depends, we have no room."

Debate opened on Saturday, April 5th with Representative Frederick H. Gillett, Republican of Massachusetts, worrying about the trade implications of the new law. He particularly criticized the Scott Act of 1888 for unilaterally breaking America's treaty obligations under the Angell Treaty allowing unrestricted travel for American domiciled Chinese, "I do not think that when treaties become unendurable they must forever be observed, but I think the manly and honorable way is to abrogate them with due notice and not insultingly disregard them. I think China has ever since had a just grievance against the United States."

He was concerned about the overly harsh requirements defining the exempted classes, "While we wish to keep out all laborers, it is not only a wise policy for us to allow Chinese merchants free access to this country, but the right is specifically guaranteed by treaty, so I think it would be unwise and illegal for us to interfere with it, and I think that the provision for admitting the exempt classes are too severe in both bills and ought to be moderated."

Trade opportunities were growing and America was in a position to benefit from Chinese economic growth, but only if it didn't chill relations with unnecessarily harsh legislation.

"We are all looking forward to the East as a profitable market. We hope in the coming years to find there a large outlet for our surplus products, and also a field for our inventions, and that we may take part in the development there of materials of the new civilization."

Representative Theobald Otjen, Republican of Wisconsin, was all in favor of strong business ties between China and the United States but he argued for the stricter terms contained in the law on the exempted classes.

"No one advocates the placing of annoying or harsh conditions upon the exempted classes seeking admission to our shores, but such provisions and safeguards must be placed around their admission as experience has shown to be necessary to prevent Chinese laborers from gaining admission under the pretense of belonging to the exempted classes."

Otjen laid bare the racial terms of the legislation, "The character of this legislation is unusual; it is not directed at any other nation in the world excepting China... To permit the coming here of an alien race, and to place them side by side with our own people, a race whose social plane is so radically different, who standard of living is so much lower than our own, a race which can never be assimilated, cannot but bring deplorable and disastrous results."
"The two races cannot live side by side; one or the other must go under. Can anyone fail to see that there would spring up strife and hatred between the two races, resulting in disorders, riots, and bloodshed? This being so, are we not justified in preventing such a state of affairs, not only for the best interests of our people, but also for the best interests of the Chinese people?"

He also cited the strong support for the legislation from organized labor unions that had come pouring in from across the country to protect them from the Chinese "menace to their welfare."

Representative Charles Hooker, Democrat of Mississippi, took a unique and sarcastic stance during the debate, especially interesting as he'd served as an officer in the Confederate Army during the Civil War and was the last Confederate attorney general of the state. While he supported excluding Chinese laborers, since that was what the American laboring classes wanted, he was against restricting or hindering those from the exempted classes.

"It is true that they are copper-complexioned and almond-eyed, but the gentlemen who want to exclude all classes in contravention of the [Gresham-Yang] treaty certainly do not intend to get up an indictment of the Almighty because He created from the same origin people of different colors."

"My honorable friend from Missouri [Clark], to whose oratory I always listen with great pleasure, and by whom I am always instructed, seems to think that because there is a Caucasian race to which he belongs, that therefore there are no other races. I am sure my honorable and amiable and Christian friend from Missouri [Clark] and the gentleman from Massachusetts [Naphein], who comes from the same State that Burlingame did, would not want to write an indictment against the Almighty because He made people of different color."

"We must not set ourselves up as judges against all the balance of the world because we happen to be Caucasian and white."

"We all admit that under the Christian religion, we are all descended from one ancestor - all the nations of the earth - and that we ought to be governed by the great cardinal principles of right and justice between governments as we are governed in our conduct in the observance of the laws toward our neighbor."

"It behooves us to treat these people with justice and deal with them fairly, because the God of nature, the God of power, has... given them the color they have. We ought not to undertake to violate the treaty because of that."

Representative Abraham Brick, Republican of Indiana, took an entirely opposite view of God, Christianity, and the Chinese from Representative Hooker.

"Shall the Anglo-Saxons and kindred races possess the country or shall the Mongolian control it? That proposition will be absolutely settled in the passage of this bill."
He predicted that without exclusion the Chinese would bring "social vices and national habits that would surely contaminate the clear stream of Christian civilization and American institutions."

"Dangerous as are their peculiar vices, their virtues are still more perilous. Intelligent in their own way... crafty, patient, diplomatic, they are painfully industrious, brutally frugal, and fanatically fatalistic; a people to be feared; as changeless and unrelenting as eternity; the immutable progeny of ages gone and civilizations passed away..."

"Shall we now pursue a policy - a Fabian, cowardly, procrastinating policy - that shall usher in the countless hosts of an alien people to degenerate our race and despoil our labor - a people who have no regard for family, whose language holds no name of 'home,' in whose breast there comes no redeeming rapture even in the consecrated presence of a noble woman, and whose heart yields no responsive, civilizing throb even in the sanctified light of the fires of the hearthstone or the eye of wife and child?"

"Every instinct of God-given self-defense, that law higher than all human statues, revolts against it."

Representative Henry Green, Democrat of Pennsylvania, was more cautious. His words of warning about China could have come from fifty years later in the midst of the Korean War or even from today's overheated debates about Chinese trade policy.

"I believe it would be the worst of policies for us to stir up the Chinese country and its people and even urge them to adopt our ideas of civilization and progress. She is a sleeping giant who, when once aroused may do us great harm. It may seem very smart for some of our American exploiters to laugh and sneer whenever the yellow peril is mentioned; but gentlemen, the yellow peril will be practical peril when it breaks its bonds of conservatism..."

"They are physically and mentally strong and have the important elements which go into making of good soldiers and sailors. They will soon be able to handle the weapons of war with the soldiers of the military powers of the world. The step is not a great one and the time will soon come, aye, sooner than most men expect it. Nor is her commercial growth and development far away. We who live day-to-day may see the time when she, with her great natural resources and cheap labor, will be an active and irresistible competitor in the markets of the world."

"Let us keep an eye on China and not allow our greed for gain to arouse the sleeping five-toed dragon."

**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.