

## **Chinese Exclusion and America's Global Empire Part 6 - House Debates of the 1902 Extension**

**By Philip Chin**

House debate resumed on Monday, April 6, 1902. Questions of birthright citizenship were raised. Representative Rudolph Kleberg, Democrat of Texas, complained that the Kahn bill as it stood undermined the principle of birthright citizenship by taking it away from those Chinese born in the American colonies. "I think the clause is clearly unconstitutional. I believe that our insular possessions are clearly part of the United States."

Representative Henry Naphen, Democrat of Massachusetts said, "It has been urged that the Fourteenth Amendment was not intended to confer rights of citizenship upon the children of Chinese parents. An examination of the debate in the Senate and House when the Fourteenth Amendment was under consideration proves that it was understood that children born of Chinese parents in the United States would come under the terms of the Amendment."

"The Constitution takes care of their rights. Though we may suspend their political rights and define what their civil status may be, we cannot take away their natural right to go to any part of the Republic."

Naphen proposed an amendment striking the offending section of the bill, but said he planned to vote for the bill anyway even if the amendment failed.

Representative Champ Clark, Democrat of Missouri, saw the birthright citizenship issue as a way of getting rid of the new American colonies like the Philippines. Those colonies were the poisonous fruit of what he and many other Democrats saw as the new imperialistic American foreign policy imposed by Republican Presidents William McKinley and Theodore Roosevelt.

"If the United States Supreme Court ever decides that the residents of the Philippine Islands are American citizens, and that we have no right to keep out of the country Filipino Chinese, then the American people will rise in their might and drive Congress in to getting rid of the Philippines, and that is just exactly what I want to see done - precisely."

Naphen's amendment then failed on a voice vote.

Representative Clark then continued his arguments in favor of the bill and of the detailed definitions for exempted classes that would prevent almost all Chinese from coming to America, "The whole intent of this law is to shut out Chinese laborers. If there were some way of branding the Chinaman right across his forehead that he is a laborer, there would be no trouble about it. You cannot do that... The men who drew

this bill, and the proponents of this bill, are simply trying to keep Chinese coolies out of here, and the reason they have not succeeded in doing so is, as I have explained in my main speech, on account of the duplicity of the Chinese character."

Representative William Sulzer, Democrat of New York, emphasized the overheated racial and labor rhetoric that was propelling the bill, "If the immigration bars are ever let down in this matter, the Chinese will come into this country in droves, overrun the land, menace our domestic institutions, threaten our tranquility, imperil the Republic, and destroy American labor."

"This bill is for self-preservation. It is largely a racial question of supremacy and essentially for the protection of labor. We offer no apologies to the Chinese for this legislation, but we declare it the first duty of Congress to legislate for the rights of the American workmen..."

"In this matter, we should not quibble. We should not split hairs to favor the Chinaman."

Various amendments were then offered.

Representative Charles Hooker, Democrat of Mississippi, wanted to relax conditions on the rights of Chinese travelers as guaranteed by the Gresham-Yang Treaty. This was defeated by voice vote.

Representative George Perkins, Republican of California, wanted to grant discretionary regulatory authority to the governing Philippines Commission to give them the ability to ameliorate unnecessarily harsh War Department implementation of the proposed law.

"We are endeavoring absolutely to preclude these people from coming into those islands as much as we are from coming in to this country. I am thoroughly in accord with every provision of this act which is not illiberal and illogical; but when it comes down to a simple question of pure persecution, and unnecessary persecution at that, I believe we are putting on the statute books a law which, if extended to the islands that have recently come into our possession... will be doing something that is not worthy of this country, and that will react on us to such an extent that we will be heartily ashamed of ourselves."

This amendment was also defeated on voice vote.

Representative Julius Kahn, Republican of California, then pressed for Representative Champ Clark's amendment reintroducing the ban on the employment of Chinese sailors from American flagged vessels that had been removed from the Senate version of the bill. Representative George Perkins, Republican of California, objected and made a point of order that the amendment regulated employment and therefore wasn't germane to the immigration bill.

The rule stated that, "No motion of proposition on a subject different from that under consideration shall be admitted under cover of an amendment."

It was ruled by the chairman of the House Committee of the Whole that as Chinese persons on American ships touching American ports could have the opportunity to escape onto American soil that the amendment was pertinent as it was about "excluding of persons of Chinese blood and descent from our territories."

Seeing his opening, Representative Kahn then submitted an amendment that said, "And it shall be unlawful for any vessel holding an American register, on a voyage terminating at an American port, to have or employ in its crew any Chinese not entitled to admission into the United States or any portion of the territory of the United State to which such vessel plies, and any violation of this provision shall be punishable by a fine not exceeding \$2,000."

Representative Perkins again objected with the same point of order he'd made before, "Mr. Chairman, I submit it does not change it at all. It still regulates the employment of Chinese."

The chairman ruled, "This bill is to prohibit the entrance of Chinese laborers into the United States. Seamen are laborers within the distinctions made in this bill, and the amendment now before the committee proposes to prohibit the coming of such laborers into an American port. It is based upon the theory that great safeguards are needed to carry out the purpose of the law. The bill is full of provisions which are intended to guard against evasions of the law. For instance, upon page 10 of the bill it is provided that even the Chinese who are entitled under this bill to enter our ports can only come in at certain points of entry. In other words, the regulation of American ships or foreign ships bearing Chinese to our shores is prescribed by this bill. The Chair thinks, therefore, that with the modifications which have been made in the amendment, it is clearly in order and overrules the point of order."

The Clark amendment restricting Chinese sailors from working on American vessels was passed with 100 for it to 73 against.

Representative Champ Clark, Democrat of Missouri, then offered the same amendment he had several days earlier in the debate, expanding the definition of Chinese to those of "...mixed blood and those of the full blood, as well as males as females; and wherever herein personal pronouns are used the masculine includes the feminine."

Clark said, "I confess very frankly that at one time I thought the language used by the majority of the committee was sufficient; but when you take into consideration the fact that if you leave this phrase out about the mixed blood, every Chinese who wants to get into the United States will claim that he has another strain of blood in him, and you will never be able to find out the truth. I am in favor of fixing it so there can be no doubt about it, and that is what this amendment will do exactly."

Clark's formulation extending the "one drop of blood" rule used in racial exclusion laws across the Jim Crow South into immigration law was passed with 74 votes against 70.

Representative Frank Wheeler Mondell, Republican of Wyoming, had nothing but praise for the largely bipartisan bill, "The Chinaman in America is forever and always an alien. For the most part he does not attempt to be or appear to be anything else, and when he does, the veneer of Americanism is so thin as to disclose the Tartar at the slightest touch. It is safe to say that no Chinaman ever landed on our shores who fulfilled the conditions... requisite in a useful immigrant."

"Not only does the Chinaman land on our shores without the significant thought or expectation of adopting our views of conforming to our methods, but he comes with habits fixed and inflexible, with racial characteristics and racial vices which render him unfit for American citizenship even if he desired it..."

"I am thankful, Mr. Chairman, that our portals are to be still more safely guarded against the coming of the yellow peril. I have no fear that continued escalation will affect in any way our trade with China; but if it should, it would be infinitely better that we never sold China a dollar's worth of our merchandise or produce than we should degrade our people by compelling them to compete with coolie labor or endanger our institutions by an influx of hordes of the heathen Chinese."

Representative Champ Clark, again took to the floor, this time to claim the victory for the Democrats, "The situation about the bill is this: The Majority reported the bill; the Democratic minority reported a substitute, making the provisions more drastic. Every single solitary amendment that has been offered or adopted here today was contained that Democratic substitute. Having got into the bill by way of amendment what we started to get into it, we shall not press the substitute, because we have already accomplished our object of making the bill stronger and more effective."

With all amendments in order the House passed the amended Kahn bill on August 7, 1902 by voice vote and sent it back to the Senate for consideration.

On August 17, 1902, Senator Orville Platt, Republican of Connecticut, submitted and passed an amendment striking the House bill and substituting the Senate amended bill.

The House and Senate committees met in conference later and agreed with this approach. Their only major point of disagreement was over the Senate provision to continue Chinese Exclusion laws only as long as the Gresham-Yang Treaty of 1894 was in force. The House wanted to continue exclusion laws indefinitely even if the Chinese objected and refused to renew the old treaty in 1904 without any additional action by either side or optionally in 1914 as the treaty expired. The Senate agreed to this indefinite extension as long as it wasn't inconsistent with treaty and legal obligations.

Immigration of Chinese laborers from US insular possessions and passage to the mainland was barred. The provision barring Chinese sailors from serving on American flagged vessels was dropped. Certificates of residence would be required in the Philippines but the system of implementation was left up to the Philippine Commission. The removal of birthright citizenship from Chinese born in the American colonies was quietly dropped. The question of American citizenship was only settled by the

Philippine Independence Act of 1934 which reclassified every native of the Philippines, even those living in the mainland US, of Chinese descent or otherwise, as aliens.

Both the Senate and House passed the compromise bill by voice votes on April 28th, showing that there wasn't enough opposition in Congress to bother with formal recorded votes. President Theodore Roosevelt signed the bill into law on April 29th.

In January 1904, the Qing Government, finally having enough of American legislative high-handedness, announced that it would not renew the Gresham-Yang Treaty of 1894 due to expire in December 1904. Congress responded by passing a law making Chinese Exclusion laws permanent in April 1904.

Despite the confident assurances that trade with China wouldn't be damaged by exclusion laws a boycott of American goods was organized that lasted an entire year from 1904 into 1905 that cost American business millions of dollars (billions of dollars in today's inflated dollars.) The Chinese nationalism that would destroy the Qing Dynasty by 1911 was also unifying the country to finally stand against exclusion.

American manufacturers and raw material producers were seriously alarmed and questions were raised about repeal. President Theodore Roosevelt even directed the Department of Commerce and Labor to see that immigration officers exercised discretion in enforcing Chinese exclusion law "to the end that the relations of this Government with China may continue to be cordial." However, the decisive defeat of Russia in the Russo-Japanese War of 1904-1905, led to renewed alarm about the "yellow peril" as it was the first defeat in war of a major Caucasian nation by a non-white one. This had the effect of increasing support and membership in anti-Asian organizations such as the Asiatic Exclusion League across the United States. Labor unions that supported Asian exclusion and white supremacy almost in the same breath, also exercised their growing influence and power to prevent any changes in the law.

Chinese and Chinese American civil resistance and boycott made news even in far off South Africa. A young Indian lawyer working there, Mohandas K. Gandhi, wrote about the boycott, "In all this commotion one thing stands clear, that where there is unity, there alone is strength and also victory. This deserves to be carefully borne in mind by every Indian. The Chinese, though weak, appear to have become strong on account of their unity, thereby bearing out the truth of the Gujarati verse, "Thus do ants when united take the life of a fierce snake." Gandhi's first boycott against British rule in India, inspired by the Chinese, happened in 1921.<sup>1</sup>

**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.

---

<sup>1</sup> <http://www.gandhiserve.org/cwmg/cwmg.html> Mohandas K. Gandhi, *Collected Works of Mahatma Gandhi*, Vol. 4, pg. 432