

U.S. Rep. John Kasson (R-IA) Speech on Chinese Immigration, March 22, 1882

Chinese Immigration Speech of Hon. John A. Kasson, of Iowa, in the House of Representatives, Wednesday, March 22, 1882.

Washington, 1882.

The House having under consideration the bill (S. No. 71) to enforce treaty stipulations relating to the Chinese—

Mr. Kasson said:

Mr. Speaker: Several days ago, after a careful reading of this bill, I prepare some amendments which have been printed, and which in my judgment, if adopted, would make this bill infinitely more acceptable to the average judgment of this House and of the country. Those amendments have been printed in connection with this bill, and I propose as briefly as possible to state to the House the objects sought to be accomplished by them. I shall afterward have something to say in answer to what we have just listened to from the gentleman from Maryland, [Mr. McLane.]

What, then, is the bill which we take from the Speaker's table, the Senate bill, and upon which our votes are to be given, and which it is demanded of us to pass in its entirety? The first section suspends all immigration into this country of Chinese laborers for twenty years.

The second section punishes the master of any vessel of whatever nationality who shall bring within the jurisdiction of the United States and permit to be landed any Chinese laborer. This section applies to the Gulf of Mexico, to the Atlantic Ocean, to the Pacific Ocean, and to every frontier of the United State approached by water. It punishes the violation of its provisions by a fine not exceeding \$500 and imprisonment for not more than one year.

The third section provides that the provisions of the first and second sections shall not apply to the Chinese laborers now in the United States before the expiration of ninety days from the passage of this act. It also provides that it shall not apply to any vessel putting into a port in distress or under stress of weather. But it makes no provision for a foreign or domestic vessel touching at one of our ports in the prosecution of her voyage.

The fourth section applies to the registration of Chinese laborers now in this country and who may desire to go abroad and afterward return to this country. It imposes upon them certain duties at the office of the collector of the port from which they leave, and before their return it requires a vise by an officer of the United States in a foreign country.

The fifth section provides for the other classes of Chinamen who by the treaty are permitted to come freely to the United States and to return to their own country. As to them (and I beg gentlemen of the House to observe it) the provision is a system of registration, an express permission from the Chinese

Government in each individual case, a passport, and sundry other regulations before they can enjoy the privileges which the treaty says they shall have. And they are to be described and identified by offensive requirements.

The sixth section is of somewhat doubtful construction, owing to the language. It covers all entitled under the terms of this act to the privilege of entering and residing in the United States. And it covers all classes of Chinese, and requires very onerous and very disagreeable duties, especially toward citizens of a friendly nation. The seventh section appears to be based on section 6, and is liable to similar objections.

The eighth section is dependent upon others to which I have referred. The ninth section imposes duties on the master of a vessel, requiring him to make a manifest of Chinese passengers as he does of cargoes, and inflicts punishment for his failure or refusal to do so.

The other provisions it is not perhaps necessary to rehearse, except to say that every person who shall aid or abet a Chinese laborer to come within the territory of the United States is punishable by fine and imprisonment, and that any individual Chinese laborer coming into the United States is also punishable by fine and imprisonment, and is to be expelled to the place whence he came at the expense of the United States. This, then, is the general character of the bill before us. I have two objections to the bill. One is that it is hostile to the civilization of the United States, hostile to the traditions of our Government and people, hostile to our system hitherto of dealing with all foreigners, and that it sounds like that language of 2,000 years ago when "a decree went out from Augustus Caesar that all the [Hebrew] world should be taxed."

The other objection is that it goes beyond the intentions and language of the treaty which it proposes to execute, and is needlessly cumbrous and harsh.

Certainly it is possible to pass a bill that shall answer all the just demands of the people of California and the Pacific coast without doing violence to the judgment and conscience of the people in other parts of the country. There is on the Pacific coast an admitted danger to our existing system of labor. There is an admitted justifiable expectation on the part of the people of the Pacific coast that something shall be done to relieve them from what is regarded by them as a danger to their social organization. Pledges have practically been made that they shall have this relief. Governmental action has been taken in that direction. The executive government of the United States has initiated and completed a new treaty with the Chinese Empire to give effect to that just demand of the people on the Pacific coast. Now, with power under the treaty to do a certain act, with the occasion for the exercise of that power admitted, is there no middle ground on which we can all stand that shall be in harmony with the previous history of our country and with the judgment and conscience of both side of this House?

Sir, with no small delight I have listened to some of my friends of both parties on this floor who have debated this question in the light of American history and of American humanity. When such men as the gallant member from Mississippi, [Mr. Hooker,] the honored member from Massachusetts, [Mr. Rice,] and that other honored member, [Mr. Taylor,] the successor of Garfield, from Ohio, take common ground in recognition of fundamental principle, nay, more, of fundamental sentiment dominant in the people of this country, and appeal to this House to respect it in this legislation, it is time for both sides of this House and for the friends of the bill themselves to pause and ask whether they ought not to modify the bill so as to secure the moral strength of the House and country which goes only to fair, reasonable, and human measures.

I venture to affirm that four-fifths of this House will unite in granting reasonable relief if the friends of this bill will accept reasonable relief and not force use into the position of violating our principles, our conscience, and our duty under the treaty. To be sure, sir, no one rises in his place here and says, "let us accomplish our object and violate the treaty if it is necessary to do so." Nobody says that; but, as suggested by my honored friend from Maryland, [Mr. McLane,] there is a manifest disposition to take advantage of the confidence the Chinese Government has reposed in our justice and fairness. Sir, the most absolute good faith is merited by China by reason of China's action heretofore in respect to the very subject under discussion. I wish not to live long enough to see the time when China or any other government on the face of the globe shall revive the memory of the Carthaginians of old and instead of "punic faith" characterize the reckless disregard of treaties as "American faith." Sooner, much sooner, would I act decidedly and far within the power given to use by the treaty than I would tread one hair's breadth beyond a just construction of its terms.

Now, the object to be accomplished (and it is admitted by the treaty to be just) is to limit, regulate, or suspend reasonably the coming of the Chinese laborers to the United States. The Treaty provides expressly that we shall not exclude any class but "Chinese laborers."

These are the words:

The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers shall be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration; and immigrants shall not be subject to personal maltreatment or abuse.

There is an illustration of the spirit of the treaty; and by the second article all others are to be allowed to go and come at their free will. The language is:

*Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, *** shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges (sic), immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.*

Now, the objection I take to the fourth, fifth, sixth, and seventh sections of this bill is that they impose rigid and burdensome conditions upon teachers, merchants, and others who are not "laborers," and who the treaty itself says shall not be interfered with, but shall be permitted to come and go of their own free will, as freely as those of the most favored nation. It requires, for example, in the certification to be made, that they have permission of the Chinese Government, and shall state their "physical peculiarities," who their fathers were, where they lived, &c., facts far beyond anything known in the passport of any civilized country on the fact of the earth. This is wrong, this is unjust; it is not within the treaty with China.

It is well settled that we cannot without the consent of China make, by our separate legislation, new conditions upon the enjoyment of the rights secured by the treaty to Chinese subjects. On that point I quote the following:

In dispatch No. 110, March 3, 1876, Mr. Fish says: "This involves the question whether one of the parties to a treaty can change and alter its terms or construction, or attach new conditions to its execution, without the assent of the other; whether an act of Parliament passed in 1870 can change the spirit or terms of a treaty with the United States of nearly thirty years' anterior date?" "this government does not recognize any efficacy in a British statute to alter, or modify, or attach new conditions to the executory parts of an existing treaty."

Mr. Fish, in support of his views, quotes Lord Stanley, Her Britannic Majesty's secretary of state for foreign affairs, as saying that "international courtesy demanded that a treaty should not be materially altered without communication with the other party." In the same debate Lord Cairns, then attorney-general, speaking of proposed legislation with reference to a treaty with France, said: "It proposes to introduce a new ingredient into the bargain, which did not exist at the time the sovereigns had made and Parliament ratified;" and "to put such words into an act of Parliament which did not exist in the treaty would only be offering a gratuitous insult to the foreign power to whom it applied without securing any advantage."

In his dispatch of May 22, Mr. Fish says: "The United States adhere to the position announced in my former instruction, that it will recognize no power to alter or attach conditions to an existing treaty without its previous consent;" and he declares in the same dispatch the binding obligation of treaty provisions "upon all courts, both State and national;" and, further, "while the treaty shall be in force the Government of the United States would be strangely forgetful of the dignity and rights of the country if a foreign to the treaty, as a condition of obtaining the performance of treaty stipulations."

I propose, therefore, to amend that part of the bill by substituting for the fourth, fifth, sixth, and seventh sections, containing cast-iron requirements with reference both to laborers and non-laborers who may come to or reside in this country, the provision which I will ask the Clerk to read.

The Clerk read as follows:

Sec. 4. That in order to secure the rights of the Chinese laborers mentioned in section 3 of this act, and further to faithfully execute the provisions of the treaty between the United States and the Empire of China ratified July 19, 1881, it shall be the duty of the President of the United States, after consultation with the Government of China, to prescribe the rules and regulations which may be necessary and convenient to secure the identification of Chinese subjects residing in or proceeding to the United States according to their classes and rights as provided respectively in articles 1 and 2 of the said treaty. After the promulgation of such regulations any Chinese subject refusing or neglecting to conform thereto shall be regarded as not entitled to the rights and privileges prescribed by articles 1 and 2 of the treaty aforesaid until he shall comply therewith.

Mr. Kasson: Now Mr. Speaker, the subsequent amendments proposed are chiefly confined to harmonizing the existing provisions with that change in respect to rules and regulations, my object being to make it the duty of the executive department of the United States to carry out under our laws and in unison with them the provisions of the treaty, which provides that in case of difficulty adjustments may be made by the exchange between the two governments of complaint and answer and good reasons.

I do not intend now, sir, to go into detail touching these other amendments. I have only to say there are still some clauses of the bill which tax very heavily the conscience and judgement of many of us who remember the events of the decade from 1850 to 1860. I doubt very much whether the conscience of this country will allow you to find any citizen of the United States who, from charity or from necessity, may have taken across the Canadian or other frontier into the United States some poor young Chinaman to relieve his wife from household work in his home. I doubt whether "aiding" or "abetting" a single Chinese laborer to come into New York, New England, or Louisiana, is not disproportionately and excessively punished by the enactments of this bill. It reminds many of us born in the northern part of the country of the time when penalties and imprisonment were imposed upon the man who took care of a poor fugitive slave from the South on his way to a free country, or harbored him for the night or gave him bread by day.

I do not like (and I say it frankly) these features of the bill. I want, if possible, to accomplish the result aimed at without them. I wish it were in the hands of the committee who could so trim the bill as to accomplish what the treaty calls for and what the rest of us desire to be accomplished, the prevention of masses of these men coming in such numbers as to overthrow our systems of labor or endanger the peace of communities. At the same time I should be glad if this poor miserable pursuit of one Chinaman crossing the frontier or stepping off a ship in order to see a town, might be stopped; that he might not be pursued by the police, hazed into prison and robbed of \$100. My soul revolts at that sort of individual persecution of an ignorant foreigner coming to this country, unable to speak our language, and not knowing our institutions and laws. This is one of the most vulgar forms of barbarism.

Mr. Hammond, of Georgia: Will the gentleman permit me to ask him a question?

Mr. Kasson: Certainly

Mr. Hammond, of Georgia: Is it not true that in many Northern States, notably Indiana, up to the passage of the fourteenth amendment, it was a crime for any free negro to go into those States?

Mr. Kasson: Yes sir, and I do not want to go back to that infamous system of legislation. [Applause on the Republican side.] Does the gentleman?

Ms. Hammond, of Georgia: No I do not wish to go back to it, but I wanted to point out the hypocrisy of your party. [Applause on the Democratic side.]

Mr. Kasson: Call it what you please, it was as mean as you can make it to refuse to feed or take care of these poor people, whether North or South. I admit its meanness, and you can have no issue with me on that subject.

Mr. Cobb: I will state to the gentleman that the last time Indiana was heard from on that subject it gave 90,000 in its favor. It must have been pretty bad. [Laughter.]

Mr. Kasson: Those who heard that remark tell me that was under Democratic rule and before the republicans took possession of the State. [Applause on the Republican side.] Our party wiped everything of that kind from the statute-book.

To proceed. What I greatly desire is precisely what I have attempted to state, to stop masses of these men coming and changing our system of labor and interfering with the peace of communities, leaving alone the individual stray Chinaman who may come over our border and remain by the desire of some citizen of America to relieve the burdens of his family or afford him needed help.

I ought to say, perhaps, that I am not so absolutely ignorant of the character of this labor and the troubles in California as might be supposed from the fact that I reside near the Mississippi River. On two occasions of prolonged visits in California I have learned what I could of this subject, and have tried to discover what was the evil of this Chinese immigration. At the same (sic) time I walked into the Bank of California and I saw behind the counter in a responsible position, as cashier or book-keeper, I forget which, a Chinaman, with his long pig-tail hanging down his back, respected by the president and all the officers of the bank and intrusted (sic) with their fullest confidence, as they have long enjoyed that of the American merchants in China. I did not see danger to the peace of my country or the organization of society in that case.

I passed to another quarter of the city and saw great crowds or masses of these people herding together, disassociated from all the rest of the community as far as possible, and separated from the American civilization. I thought that was wrong and dangerous. But the gentleman from Mississippi told us yesterday that it is in harmony at least with the spirit of the laws of California which requires them practically to herd together, and he quoted the law.

However that may be, sir, I return to my theme, which is that we want a bill which shall not operate harshly upon individual American citizens, or upon an individual stray foreigner coming from China; nor operate harshly upon American or foreign vessels that may have some of these people to help them to navigate their vessels to or from our ports. We want nothing harsh or unjust, nothing that we are not requires or permitted to do under the very language of the treaty, itself. We want no more than can justly be granted under the treaty, itself. We want no more than can justly be granted under the treaty, which is based upon the judgment of the people of California that the best interests and the peace of the Pacific coast will be best served by a restraint of this immigration of the lower classes of Chinese. For such a bill I will willingly vote.

In this bill, which is entitled "A bill to execute certain treaty stipulations" with the Chinese Government, I find at the very close of the bill a clause regulating naturalization in the United States. What has that to do with the enforcement of the treaty stipulations? The treaties have nothing to say about it. It is entirely out of place. I am one of those, sir, who believe that a judge of a court of the United States has no authority, has no right under existing law, to naturalize such a Chinaman as is portrayed by the friends of this bill. Under the present law he cannot do it. The law requires proof of attachment to the principles of the Constitution of the United States. It requires a proof of residence for five years. It requires good moral character. How many Chinamen can be admitted under the naturalization laws of the country in view of the testimony which has been adduced against them during this discussion?

Mr. Hutchins: Will the gentleman permit me to ask him a question?

Mr. Kasson: Yes, sir.

Mr. Hutchins: I wish to ask the gentleman if these 105,000 people are counted as inhabitant in making up the population of California for the apportionment of Representatives?

Mr. Kasson: Unquestionably; and California has received an additional Representative on their account.

Mr. Hutchins: Then if we pass this law I would like to ask the gentleman who does this additional member represent, the property owners in California, or the Chinese?

Mr. Kasson: I think I shall have to leave the answer to that question, and remit it to my friend in charge of the bill when he makes the closing speech upon it. It is evident, Mr. Speaker, that this population is there. It is equally evident that three-fourths of this House are willing to stop its increase by legislation under the treaty. But my demand is that nothing that we shall do and no law which we shall pass shall violate our sense of honor or even remotely point toward a violation of the letter or spirit of our treaties. I ask the advocates of the bill in that sense and for the object I have stated to give their consent to modifications of this bill which would undoubtedly meet the sentiments and win the co-operation of both sides of the House.

Now, sir, a word upon the spirit of the Chinese Government and its friendly relations toward us. It will justify my demand for a reasonable modification of this bill, while it tends to answer my friend from

Maryland, [Mr. McLane,] who spoke this morning. I ask the Clerk to read the first article of the treaty with China, together with the date, which I have marked.

The Clerk read as follows:

Treaty of peace, amity, and commerce between the United States of America and the Ta-Tsing Empire, concluded June 18, 1858.

Article I. There shall be, as there have always been, peace and friendship between the United States of America and the Ta-Tsing Empire, and between their people, respectively. They shall not insult or oppress each other for any trifling cause, so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings.

Mr. Kasson: I will ask to submit and print with my remarks some further provisions of that treaty which I will not stop now to read, my point being to show the character of the Chinese Government in its relations with us. A few years ago we made a treaty with great difficulty with the Government of Great Britain, in which we introduced a clause for arbitration between that government and ours, and between all civilized governments, in lieu of war. China long before that had itself adopted that principle to avoid and to secure a system of settlement of all disputes by peaceful arbitration. In another article of the treaty, the kindest, I may say the most Christian sentiments are expressed in reference to their relations to the United States. I refer to article 11.

All citizens of the United States of American in China peaceably attending to their affairs, being placed upon a common footing of amity and good will with the subjects of China, shall receive and enjoy for themselves and every thing appertaining to them the protection of the local authorities of government, who shall defend them from all insult or injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the consul, shall immediately dispatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law.

We all know how they received Mr. Burlingame, and afterward made him one of their own ambassadors (sic). More recently, when a distinguished citizen of the United States was traveling in China at a time when war was threatened between China and Japan, the confidence of China was still further expressed in this country and people, as shown by the fact that they requested the intervention of that distinguished gentleman [General Grant] to bring about peace between the Chinese Empire and Japan. I care not where you go or where you search in the entire history of our intercourse with China you will find nothing but a strongly expressed desire to retain the most kindly relations with and confidence in the Government of the United States.

In this very treaty they stipulated not only our rights but add if they should afterward give to any other people or country additional rights they should instantly, without further treaty execution, pass to the citizens and Government of the United States. Always friendly, to-day friendly, they now again yield at our request this great point, which was a request only for the people of the Pacific coast, in its fundamental character, urged by them rather than by the whole country. They yielded to that, and now we are asked, under these circumstances, to stretch their concession to the last point tolerated by an adverse construction of the treaty and given against the interest and feeling of China.

I, sir, am opposed to going to that extent. Our commerce — if you will consider simply our material interests — demands of us to manifest more friendly respect for the Chinese Government. Our

commerce has grown since our relations commenced from about twelve or thirteen to thirty-three millions in the last year, and that, too, mark you, Mr. Speaker, at a time when China is only yielding year by year to the demands of civilization and foreign commerce, each succeeding year making it more easy to yield than it was the preceding year. Already is reported the commencement of railroads, which they positively refused a few years ago to be allowed to be built; already building and manning their own steamships, which communicate between open ports and the interior; already opening up from year to year markets for our cotton goods and our hardware and other manufactures. If you will not yield to the principle of justice, fairness, and right, yield then to the demands of your own commercial interest as against your great rivals of the Old World, and be just to China.

Much, sir, has been said about the character of the Chinese. I think much misapprehension has existed. There is a low order of Chinamen who are pagans (as the whole country has been called here erroneously to-day) and who are idolators (sic), and who are not good citizens. I no more deny this than I deny that those white people who went to John Bidwell's plantation in California and murdered five Chinamen who are not good elements in our population, and ought to be excluded so far as we have the right to exclude them under the powers given to our Government.

But, sir, what is China as a government? What is the China which we know by our treaties? Is that pagan? No, sir. Is it idolatrous? No, sir. The China that we know as a government, embracing a religion whose adherents are estimated at 100,000,000 is without an idol. It adheres to the teachings of Confucius, who before the Christian era announced doctrines which to this day have the respect of the civilized and the Christian world. Every official of China is obliged to pass a civil-service examination, including an examination in that moral code and system known as that of Confucius, before he can enter an office in China. Among those moral principles was that which in another and more perfect form we bind close to our hearts every Sunday. It characterizes the great system of Christianity and was willingly incorporated by China in the twenty-ninth article of the treaty of 1858, where she secures the rights of the Christian religion and missionaries in China, because their faith is to "do unto others as they would have other do unto them." Upon that principle China has stood for nearly 3,000 years, as we have stood upon it for 2,000 years. Let us stand upon it to-day in our legislation touching the rights of a friendly nation.

That Government of China is the government with which we have to deal. After Confucius, who made a predication that a new and better religion would come after him into China, and would come from the west, after his period there was introduced into China from India the religion of Buddha, which now embraces over half its population, and which has fallen in successive generations so low that it has become base material idolatry. In its origin it was spiritual, highly moral in tone and character, but has degenerated into the wretched idolatrous exercises of which we hear and read to-day.

While I am on this subject may I, without wearying the House, add one other note from the history given us by the old documents? It was said by Confucius that later there should come further light and more truth, and that it should come from the West — that was about five hundred years before the birth of our Saviour — and the history of China shows that the government sent out commissions in the course of later generations to inquire of the new religions of which they had heard. One of these reported of Buddhism. You read in your New Testament that at the birth of Christ "three wise men came from the East" in search of a new-born King. There is more reason to believe that these wise men came from this much abused empire than from any other people, came in search of this new light and new truth which their great philosopher and teacher, Confucius, had predicted, and of which they were in search during successive generations, as shown by their books of history.

No sir; it is not a debased empire [China]. Its higher authorities are the peers of European and American statesmen. When you speak of it as a government, it is not a governments acting upon low or

barbaric principles unworthy of our commendation or respect. There was a famous house of American merchants in Canton at the time of the famous opium war. Ah, do you remember, my colleagues on this floor, when you speak of the comparative "Christianity" of nations, that while China stood with all her worthless armament of battler, but with all her moral power behind it to keep her people from becoming debased and falling into the wretched opium drunkenness which now characterizes the shops of San Francisco, Canton, and other cities; when she sought to prohibit the importation of opium, as temperance men in this country were seeking to prohibit drunkenness from liquors? Your "Christian" nation across the water it was that sent her naval forces to compel China to break down that barrier and admit Indian opium, that the people of that empire might continue in spite of their enlightened government to become beasts, debased at the hand of her "not Christian" majesty's government.

At that time, at the close of that war, this American merchant, whose name is known and honored — and I may speak it — Mr. Forbes, handed a memorial to the representative of the imperial government in the province. In that memorial he alluded to the imperfect military system in China, and recommended to that government to send to the United States and obtain twenty, more or less, graduates of West Point, and guns and ammunition and examples of military armament which should better defend the empire and show the way that "Christian" nations made war upon each other, that China might use similar means for her own defense.

The Chinese official indorsed (sic) it, referring it to the imperial government at Peking. The answer came in about sixty days, and reads something like this, as was told me by a member of that mercantile house: "The imperial government, knowing the friendship of Mr. Forbes for China, departs from its usual custom of receiving such papers in silence, and not only notifies him that it declines the proposition but gives the reasons why. The memorial proposes to educate this government in the art of war. War is barbarism and belongs to a state of barbarism. China long years ago passed that stage of her existence and has no desire to return to it."

There is your paganism; there is your idolatry; there is your debased country, which has been defamed on this floor! Sir, I appeal to gentlemen here to make the discriminations due from fair-minded men, discriminations not founded on costumes, not founded on the way of wearing the hair, not founded, on ignorance of our language, but discriminations based upon better and higher principles and facts than these paltry distinctions.

We have here representatives of that people who are orderly, who are seeking education, who are in responsible places, and who are entitled to respect. On the other hand, you have bad classes who are not entitled to respect. On the other hand, you have bad classes who are not entitled to respect, and against whom it is legitimate to legislate. Let us frame our bill in this spirit of accomplishing purposes admitted to be just. Let us be careful that we do not forfeit the friendship of a great empire, to be still greater in the future, when she shall have accepted more and more of the principles of progress that animate us. Let us take care that we do not forfeit that friendship, that we keep within the treaty, and assure that great government of the honesty and good faith of this Government and of the people of the United States. [Applause.]

I now yield ten minutes of my time to the gentleman from Michigan, [Mr. Lord.]