1882-03-07

Chinese immigration : speech of Hon. H.L. Dawes of Massachusetts delivered in the Senate of the United States, March 7, 1882

CHINESE IMMIGRATION.

SPEECH

OF

HON. H. L. DAWES

OF MASSACHUSETTS,

DELIVERED IN THE

Senate of the United States, March 7, 1882.

The Senate, as in Committee of the Whole, having under consideration the bill (S. No. 71) to enforce treaty stipulations relating to the Chinese—

Mr. DAWES said:

Mr. PRESIDENT: I am aware that the friends of this measure are impatient for a vote, and that in their opinion the debate is exhausted. I cannot therefore expect, however courteous they may be, to receive a very attentive hearing from them; but, sir, believing that in nothing are the friends of this measure more mistaken than in the belief that they have exhausted and ended the debate upon the questions which they have raised by this measure, however little I may be able to contribute to that debate, I am compelled by a sense of duty to utter what I may, as briefly as under the circumstances it is possible for me, in protest against this measure.

There is some advantage as well as disadvantage in looking at the subject-matter of this debate at a distance. If one does not feel so keenly the evils out of which this legislation has sprung, and fails to be affected by the prejudice and passion and feeling that control those more closely in contact with it, nevertheless a clearer vision of the character of the proposed remedy and a calmer judgment upon its nature and its consequences are some compensation to those who look at it from a distance.

Mr. President, it is confessed upon the record here by supporters of this legislation that it "is invoked under the influence of overmastering passions. Whether justly or unjustly, public opinion upon the Pacific slope, by importunate and inflammatory appeals, has been wrought to that heat of passion that we are not at this time," in the opinion of such supporters, "capable of taking an entirely unbiased and unprejudiced view of what the social and economical requirements of the country in regard to this question are."

If this confession of supporters of the measure itself were not furnished us in debate here as the lesson, what we have witnessed this morning sent here over the wires from California and Nevada, and Oregon, I believe, furnishes ample proof of the statement. There can be no doubt that what the supporters of the bill call a white heat pervades that people; whether, as is said, rightly or wrongly, its existence cannot be ignored and its effect upon our deliberations cannot be disregarded. What should it teach us? Hasty, unques-

tioned acquiescence in demands made under the impulse of overmastering passion, or calm, considerate delay, not diminished, if not increased, as one sees that all reason or judgment upon existing facts in the locality that invokes this legislation at our hands is swallowed up in a blind and furious darkening passion? And yet what are we told by such supporters of this measure is the lesson, on the other hand, to be taught us as a duty here in this Senate Chamber from the voice that comes up from out of the heat of an overmastering passion? Such supporters tell us that they are not disposed at this time "to dwell upon what seem" to their minds to be "the economical and what may be called the sentimental objections to this legislation." They tell you, sir, when making the very confession to which I have called your attention, that their "instincts revolt at it," and that they would "as soon think of destroying all the mules or all the domestic animals in the country, or of destroying all the engines and labor-saving machinery in the country, as to either expel or repel a class of docile, patient, obedient, frugal, and industrious laborers, whether skilled or unskilled."

Mr. MILLER, of California. Will the Senator allow me to ask whom he is quoting from?

Mr. DAWES. Quoting from a Senator here in his seat, declaring that he would vote for this measure.

Mr. MILLER, of California. What Senator was it?

Mr. DAWES. The Senator from Kansas, [Mr. INGALLS.] The same Senator further instructs us as to our duty out of this measure and out of the circumstances under which it comes into existence here before this body.

"But," says he, "I pass that, because"—

Hear this!

because conceding to other localities the same rights that I demand for my own, and resting upon the maxims and dogmas of local self-government and home rule, I am prepared to say that the communities upon the Pacific coast—

"Whom I have described as at this moment under an overmastering passion"—

have a right to judge for themselves as to the propriety in an economical sense of this immigration, and when they have spoken through their authorized representatives, with their declaration I shall be content.

The only condition upon which such supporters of this legislation have declared that their support shall be given to it, from which their very instincts revolt, is that they shall not be required to stand it over ten years.

Mr. TELLER. I would ask the Senator by what authority he says that no one supports the bill except upon that theory? Did he not hear me distinctly announce that I did not support it upon any such theory?

Mr. DAWES. I have not forgotten the ground the Senator from Colorado took, but I should like to inquire of the Senator what he put that question to me for.

Mr. TELLER. I put it because the Senator has made the assertion to go to the country that nobody supports this bill in this Senate except because the people of California want it. That I understand to be his position.

Mr. DAWES. I regret exceedingly that the Senator did so understand me, because I did not say so. I said the only condition that such supporters of this measure demanded was that they were not required to endure that at which their very instincts revolted longer than ten years. I am aware that the Senator from Colorado put his support of this bill upon an entirely different and it seems to me

quite as indefensible a ground, which I hope that I may not forget before I get through.

Mr. TELLER. I hope not.

Mr. DAWES. So, sir, the voice of these States thus expressed is our command. The basis, the ground for this legislation is stated in the bill itself. Those who framed it have chosen in their frankness, for which I commend them, to tell the world what necessity there is for it; and it is in these brief words:

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore,

Be it enacted, &c.

"In the opinion of the Government of the United States." We are told by Senators that instead of taking their own instincts as their guide to their duty here as Senators of the United States they are to take an expression of it from a locality controlled by an overmastering passion. My friend on my right [Mr. JONES, of Nevada] inquires how I know it is a fact. The Senator did not hear me read the confession of supporters of this bill, to which I would add and did add the evidence which Senators have themselves produced here this morning of a legal holiday enacted on the Pacific coast for the purpose of gathering together whatever could be put into the form of a testimony here, and telegraphed to the Senate of the United States as instructions to them upon their duty.

Mr. President, the whole basis of this legislation is that the coming of Chinese laborers to this country endangers good order in certain localities. It is not that Chinese laborers are here; that Chinese laborers are working evil in the midst of any locality in these United States; it is not that any evil has grown out of their coming here in the past, for all who have come here, by express provision of this bill, up to the time it shall take effect are to remain here unmolested, to work out such effect upon our institutions, social and political, as they may, undisturbed; but it is the coming of Chinese laborers here that endangers good order. No one has told us how the coming of Chinese laborers here endangers good order; nor does any one tell us whether they endanger good order by being themselves the disturbers of order, or whether they endanger good order merely by being the temptation to some sand-lot irrepressible to cast a stone at inoffensive and docile human beings. That is not explained. I have never known produced here as evidence of the disturbance of good order in any of these communities that any of these docile laborers have ever assaulted any one or committed a breach of the peace against any individual; but I have heard everywhere that they have been the occasion of other people committing breaches of the peace and disturbing good order, and it is on that account that they must be removed, upon the principle that the justice fined Mr. Jones for getting Mr. Smith so mad in court that Mr. Smith insulted the court. [Laughter.] They have no business to be where any irrepressible community, disregarding the peace and good order, are tempted by their presence to disturb it.

Therefore, as the basis of this bill, the coming of Chinese laborers here gives somebody an opportunity to disturb the peace, and they must be stopped and the temptation removed—a liberal construction of the Lord's prayer, "Lead us not into temptation!"

But, sir, the authority to enter into this legislation in order that the community into which a Chinese laborer may come will not hereafter be tempted to commit a breach of the peace upon him is derived, if anywhere, from this clause of a treaty we have made with China:

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein—

You will see that this bill is entirely based upon their coming—

affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. 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 will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of such immigration, and immigrants shall not be subject to personal maltreatment or abuse.

This legislation, if authorized under the treaty, must not conflict with any of several elements. It may limit as to numbers or time; it may regulate as to mode or manner or number; but it must not absolutely prohibit. If any one can tell us how to limit or regulate and not absolutely prohibit, except you limit as to number or as to time of coming of certain numbers without absolutely prohibiting, he has better skill in the definition of words than I have. We have promised that if we undertake to legislate we will legislate by some reasonable limitation of the manner of importing Chinamen, but we will not absolutely prohibit it, and we say in the treaty that we will do it without contravening the spirit of the old treaty. The difficulty with the spirit of the old treaty was that it declared in so many words that they should come without limit, and not only should come without limit, but should be protected here in the enjoyment of every right that any citizen of the United States could claim of protection under the laws and the Constitution of the United States.

Mr. SLATER. I should like to call the Senator's attention, if he will permit me, to the fact that the limitation in the Burlingame treaty was that they were to enjoy in the United States all those rights, privileges, immunities, and exemptions in respect to travel and residence alone. Those are the restrictive words, and they are found in no other treaty.

Mr. DAWES. That, I think, includes about all that a man could desire, short of political privileges and rights. He shall be protected in his home, in his residence, which shall be his castle, and in going to and fro whenever he listeth throughout the United States. But the Senator will go along with me a little further. We have told them, we have solemnly covenanted, as I said, that while we may put reasonable limitations and regulations upon immigration, we will not absolutely prohibit it. In this bill we do not absolutely prohibit, for twenty years, any Chinese labor from coming; we only declare that if he does come he shall go to the penitentiary. That is all. We do not absolutely prohibit, from and after this bill takes effect, a Chinese laborer coming to the United States; we only declare that if he does come he shall go to the penitentiary. That is all. I knew a man once who told his son, "I do not absolutely prohibit you from going to the circus to-day, but I tell you that if you do I will horsewhip you." That is all. That is legislation in the spirit of the Burlingame treaty. No, we will not absolutely prohibit you, but if one of you puts his foot upon the soil of free America, though innocent of guile as a saint, with purpose as praiseworthy as ever actuated an immigrant to these shores, though you come with a sincere desire to identify yourself with our institutions and obey our laws and make a home for yourself and for your children, if you undertake to do it with the labor of your own hands, you shall find yourself in the penitentiary.

That is the spirit of the Burlingame treaty! And that, these gentleman say is, whether it be of the Burlingame treaty or not, the spirit and the letter of the law we are called upon this day to record our votes in favor of. I do not wonder the Senator from Kansas said that his very instincts revolted from it. I only wonder that he could find it consistent with his duty afterward to say that he would be willing to take it if he were not required to endure it longer than ten years.

Sir, one thing more. It is "Chinese laborers" that disturb the good order of certain localities in the United States. It is not Chinese *per se*. If a Chinaman will come here and only pledge himself to be idle, if he come here clothed in "purple and fine linen," if he brings with him an army of adherents, he may travel throughout the length and breadth of the land; if he will agree to keep a gambling shop, though it be under the very shadow of the sanctuary, though he and his followers darken the sun with the rabble that come and occupy their dens where they smoke in idleness their opium and play cards and gamble and toss up upon the venture of the die, though they bring vile women with them, provided they do not work for a living, they may come. Yes, as is suggested by my colleague, they can even join the band of saints in California that throw stones at Chinese laborers, saying: None of this; *procul, O! procul este profani;* get behind me ye hordes of Satan; let the godly people of Massachusetts and Rhode Island and the other States of this Union enjoy the elevating influence and pious association of all other Chinese; but do not let them be contaminated by one who is vile enough to earn his living by labor!

That is this bill. Is there not as much danger to society, to social and political institutions in this land, from the arrival of an idle, worthless, dissipated Mongolian, as there is from the humble, docile laborer who earns his daily bread by the sweat of his brow and uses those earnings for what he consumes and what he wears?

Mr. SLATER. I should like to ask the Senator, if it would not be an interruption to him, if the condition he depicts is not the condition the treaty itself affixes upon the coming of the Chinaman? The law is only following the treaty.

Mr. DAWES. I know it. Our friends made the treaty and then they make the law, and there is no more virtue in the treaty they made in this respect than there is in the law they propose. They were satisfied; they sang hosannahs when the treaty was made which enabled them to put their foot upon a laborer and exalt an idle dissipated Chinaman if one could be found. They hold mass-meetings to-day, their Legislatures enact a legal holiday that all of them can come together and shout "pass a law that will enable us to trample with the iron heel of power every man of Chinese birth who has the presumption in this land of liberty to earn his daily bread by the sweat of his brow." And we are called upon to do this and we resolve to do this (so says the Senator from Kansas and the Senator from Delaware, and others) because these localities are of one mind demanding it. But suppose some other locality should demand the opposite; suppose some State engaged in great public works, desirous of carrying them through, should demand that public order among them required that no such bill as this should be enacted, are they not entitled to the same hearing and to the same consideration as these localities? Is not our duty something else than to yield an implicit and unquestioned obedience to the demand of any locality? While it is incumbent on us as Senators of the United States to listen to and weigh well the demands and the petitions to the enact-

ing power of any locality, they should be weighed by the standard of the whole Union. We are not here to legislate for New England nor for California. We are here——

Mr. FARLEY. Will the Senator allow me to ask him one question only? Is not the Senator, and are not most of the Representatives from the portion of the country he hails from, asking continually for protection against European cheap labor? Does the Senator propose to bring Asiatic cheap labor here to compete with the laborers of this country?

Mr. DAWES. I propose, as well as I may know how, to govern my action here upon every bill by such a policy as will benefit the whole country, whether it be a bill for protection *eo nomine* or a bill like this, evoked from an overmastering passion kindled and led by European foreigners against Asiatic foreigners. The same communities who now implore deliverance from Asiatic foreigners have surrendered and put themselves under the lead of European foreigners, who have led them out onto the sand-lots and harangued them until the good and order-loving people of those communities were unable to be heard; until the fire-brand and the torch and the bloody weapon rules those communities in spite of the calm, order-loving people, such as their Representatives and Senators here are. And, sir, this is a vain attempt to bring peace there by a surrender of principle and good order to the behests of those who commanded those communities within the last three years who were themselves foreigners.

Mr. SLATER. Will the honorable Senator allow me a moment? I wish to enter my statement here that the condition of the opposition to Chinese labor in the States of California and Oregon and the Pacific States generally does not warrant the statement that this opposition is led or engendered by foreign elements. There is no division of sentiment there, and the opposition is essentially American in every particular.

Mr. DAWES. The Senator could not have forgotten that scarcely a dozen years have passed since that treaty was ratified which opened China to our trade and our shores to all Chinamen, under which every Chinaman that has come to this country has come with the pledge and welcome of a treaty-covenanting, not a treaty-keeping, Government, and that the author of that treaty was received upon the Pacific coast with open arms, with shouts and plaudits and welcomes.

Mr. JONES, of Nevada. I should like to correct the Senator in that. The universal sentiment on the Pacific coast when the Burlingame treaty was ratified was against it, and while the Republican party was in a majority of 20,000 in California when the election took place in 1867, the fact that the nominee for governor of that party had been in favor of Chinese immigration beat him by 10,000 votes at the next election. In 1867 Mr. Haight was elected, and from the very fact that he sat at dinner and in a speech welcomed the Chinese and welcomed this treaty that Mr. Burlingame had made, Mr. Burlingame being on a sort of junketing tour with the Chinese showing them around, when Mr. Haight was renominated in 1872 he was defeated by thousands of votes by one who was opposed to Chinese immigration. The California people have never ceased their opposition to Chinese immigration from the earliest times until now. And yet we hear here, sir, that it is an overmastering passion just engendered to-day! It is their calm judgment that it is against the interest of the people of the United States, and more especially against the interest of the people of that coast, that Chinese should come here, and there is no passion about it. It is a feeling that pervades all sections of the community and all classes of the community, the church member, the foreigner, the native, and all alike. The Senator does injustice to the Pacific States when he says it is an overmastering passion led by foreigners alone.

Mr. DAWES. Mr. President, I did not say it was an overmastering passion, though I believe it is.

Mr. JONES, of Nevada. It was so said, and the Senator indorsed it.

Mr. DAWES. No doubt about it; and I read it from the supporters of the bill as stating, in stronger language than I was capable of stating, what its purpose was. It may be that the Burlingame treaty was never popular in California, and that its author was unpopular there, but they had a strange way of showing it. They banqueted him in San Francisco, all their officials and all their dignitaries being there, at such a banquet equal to Belshazzar's, was never before seen in this country. Other Belshazzars will find before they get through with this method of legislation that their doom will be written on the wall. Those of them who undertake to maintain under the Constitution and the laws of the United States such a sort of doctrine as underlies this bill, will see *Mene, mene, tekel, upharsin* upon the wall. They bought for him a great estate in California, large enough for a duke or an earl, and they held it for him until he could come back from his tour of treaty-making around the world. We, here in Washington, invited him and his associate embassadors to an official reception in the Halls of Congress, and we marched to and fro, with our officers at our head, in their presence to pay our respects to men who had achieved so much in breaking down the barriers that had existed to commercial intercourse and trade and emigration throughout the world. A strange way, sir, to manifest their hostility to what he had done!

I have called your attention, Mr. President, to the class of men that give such offense. I have shown you that it is not the character of the men, it is not the fact that they are Chinamen that gives offense; it is not the fact that they are barbarians, as my friend at the right, [Mr. JONES, of Nevada,] prompting me so well, helps me to say, because a barbarian in "purple and fine linen," with abundance of money, and no necessity to toil, with a retinue equal to that of the Sultan and his harem, can come and go hither and thither where he will without offense to this law. So it is not that they are barbarians, it is because, as this bill says in so many words, and which I intend to repeat so that the American people shall know what it is—it is because the poor victim of it is compelled to earn his living by his daily toil, and this people will have none of that kind of barbarians among them!

But, sir, that is not all. If any merchant vessel of the British Government, or of any other, shall unluckily have on board a Chinese cook, and shall approach the coast of the United States anywhere from Eastport, Maine, to the Rio Grande, or from the Gulf of California to the furthermost cape of the Aleutian Islands, within a marine league of the shore, the master of the vessel and his poor, unlucky cook fall a sacrifice to good order and go to the penitentiary, and the vessel and all on board are covered into the Treasury. They are not to wait till he comes into a harbor even. If, in traversing the broad ocean in the lawful pursuit of commerce he approach the coast where not a solitary human being may live to be disturbed, within a marine league of it, he falls a victim and goes to the penitentiary, and his vessel is confiscated. Sir, I am quite sure there would never but one such case arise. The State Department of this Government would have business enough on its hands when that

should come, and the balance of the Geneva award would be distributed without any further trouble. Let me put upon the record the evidence of what I say. The second section of the bill provides—

That any master of any vessel, of whatever nationality, who shall on such vessel bring within the jurisdiction of the United States any Chinese laborer from any foreign port or place shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of $500 for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

And again:

SEC. 11. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.

Sir, I should like to hear from the authors of this bill why they do not attempt to provide against the evils arising from those Chinese who are here; why they have not secured such provision in the treaty as would enable them to protect themselves, if protection be needed, against the Chinese who are here. They made their treaty; they prescribed its terms; the Chinese ambassadors struggled against it, but struggled in vain. They were told that the limitation should be reasonable; that the prohibition should not be absolute; that no legislation should be indulged in that was not in the very spirit of the Burlingame treaty, and they trusted; and forthwith we tell them that what we meant by those honeyed words was that while we do not absolutely prohibit, we only tell them they shall go to the penitentiary if they come. My distinguished friend on my right [Mr. JONES, of Nevada] says that is right. Out of that spirit so graphically described by a supporter of this bill comes the announcement that it is right to tell a Chinaman that story and supplement it by this legislation. Sir, let it go on the record to be disposed of hereafter, when the storm shall have subsided, and when men shall judge our acts not in the white heat of passion, but by the calm, deliberate consideration of that moral law which requires us to do unto others as we would have them do unto us.

Not only that, while we say in this bill that we will not touch a Chinaman who is here, although he may commit the offense of doing manual labor, yet we tell him that if he departs from this country in the opinion of any official of the United States contrary to law, he shall go to the penitentiary. If he wishes to go out of the country contrary to law what has he got to do to conform to this bill, although it be in non-conformity to the treaty? He has got to do this: He shall "before such departure" cause himself "to be duly registered at a custom-house in the United States." That is all he has got to do. Another section says that when he goes to register, "if any consular officer, on examination of the claims and identity of any Chinese proposing to depart to the United States, shall be satisfied that such person seeks so to do in violation of this act," when he is registering, which is all the act calls on him to do, if he is satisfied that this man is registering contrary to this act he shall not let him go at all. So that, whether a man who has come here before this law takes effect can ever get out of the country depends not upon his innocence but upon the opinion of an official stationed where the people around him are laboring under an overmastering passion.

He is in a pretty bad fix, Mr. President. Nobody can come here without going to the penitentiary, and nobody can get out of here without going there. "We have got him anyhow," my distinguished friend on my right keeps helping me to say. They have got him anyhow! The free people of the United States, a government of constitution and of law, which till now boasted that the humblest of all

under the flag that floats over this country was as safe in his home and in his pursuits as the most powerful in the land, are told here in the Senate, in the language of my distinguished friend voicing that locality now reeling in that overmastering passion, that "we have got him anyhow."

My distinguished friend from Colorado [Mr. TELLER] said that if the Chinaman would only come here to be a citizen and to work and to cast his lot among us, he would welcome him, but this bill says he shall not.

Mr. TELLER. I did not quite say that, as I recollect. I said that if he fled from oppression and tyranny and intended to better his condition by coming here with reference to his liberty, &c., I would not close the door against him, no matter what might be his color.

Mr. DAWES. This bill says that if my friend from Colorado should induce a Chinaman to come here even for that purpose, a laboring Chinaman, he would get into the penitentiary too.

Mr. TELLER. There is no danger of any such thing.

Mr. DAWES. No; I do not think there is the slightest danger of his doing it, notwithstanding what the Senator said yesterday. So when you come to probe it all, it is hatred of a Chinaman (not universally of Chinamen, but of a class of Chinamen) who so degrades himself in the eyes of those who apply this rule to him as to earn his bread by the sweat of his brow.

This bill fails to provide how you shall distinguish between a Chinese laborer and a Chinese aristocrat. When they appear here upon the shore of the United States they have got to prove themselves, I suppose.

Mr. TELLER. The Senator must certainly have overlooked one of the material parts of this bill. As was said yesterday, the whole subject is left to the Chinese Government to say what the man is. Nothing could be more fair. We had a right to claim that right ourselves; we had a right to say, "We will apply the test; we will say whether he is a laborer;" but we said on the contrary, "If your government certifies that you are not a laborer, then the case is yours and the burden is upon us to show that you are a laborer."

Mr. DAWES. Will the Senator call my attention to that wise provision of the bill?

Mr. TELLER. I will call the Senator's attention to the fact that under the bill a Chinaman who comes here brings a passport which is visaed by our officer and that is all we have to do with it.

Mr. DAWES. Will the Senator put it on record, so that we may look at it? Will the Senator read the clause upon which he relies for the protection of that class of Chinamen toward whom he has hatred?

Mr. TELLER. I cannot undertake to go through a long bill of this kind in a moment; but when the Senator attacks a bill on that ground he ought to know what is in the bill. I will call his attention to the provision, I think it is in section 5, but I am not certain. I will find it in a moment.

Mr. SLATER. If the Senator will allow me, it is the provision commencing on the last line of page 11 and proceeding on page 12.

Mr. MILLER, of California. Section 5.

Mr. TELLER. Beginning in line 6 of section 5, on page 11, I read:

Or who shall have come within the United States within sixty days next after the passage of this act, shall obtain the permission of the Chinese Government in each case, to be evidenced by a passport issued by said government, which passport shall be in the English language, &c.

The treaty gives us authority to keep them out; but when the

Chinese Government says that a man does not come within the provisions of the treaty, the bill allows him to come.

Mr. DAWES. How delusive all this is!

Mr. TELLER. I should say so, Mr. President.

Mr. DAWES. A Chinaman who has been here and after returning to China comes back, can take care of himself, if he can get the passport required. A Chinaman who does not have to work for a living is the only other Chinaman who is allowed to come anyhow. So there is no such thing as a Chinese laborer coming over with a passport except the Chinese laborer who has been here before.

Mr. TELLER. Of course; I never stated that there was. The object of this bill is to see that the Chinese laborer does not come. There can be no misunderstanding about that.

Mr. DAWES. Exactly. When a man is found in the streets of San Francisco or Detroit, bearing evidence in his physiognomy that he is a Chinaman, I suppose he has got to prove himself, or else he cannot walk the streets of Detroit, or of San Francisco, or Boston, any longer.

Mr. TELLER. Oh! there is nothing in the bill of that kind.

Mr. DAWES. There is nothing in the bill that requires him to prove himself, but there is something in the spirit which made the bill that would require him—the spirit which haunts a Chinaman, which caused the peaceful and law-abiding citizens of San Francisco the other day (when 30,000 people were assembled to cry out, "Put down the Chinaman!") to tremble for the safety of those Chinamen in their quarters. That is the spirit which haunts a Chinaman; and all the rules of law are to be reversed or a Chinaman will go to the penitentiary. He has got to prove his right to remain here against the accusation of any European foreigner like Kearney who may spring up in San Francisco, in Detroit, or in any other place near the boundary lines of the United States.

Mr. TELLER. Will the Senator allow me to interrupt him for a moment?

Mr. DAWES. Yes, sir.

Mr. TELLER. When the Senator makes an attack, not upon the principle of the bill but upon the details of the bill, he ought to show wherein there is anything in the bill that justifies him in making such an assertion. There is nothing that requires a Chinaman to prove, when he walks the streets of San Francisco, that he has come in under the provisions of this bill. When he attempts to land is the time when he is asked for his passport. If he is a laborer it is supposed that he has not got it, if the Chinese Government has kept faith with us with respect to this treaty. If he has a passport it is declared in the bill that he shall be admitted without any further examination. The presumption is in his favor. When he has landed on our soil his right under the bill is equal to that of any other man to travel all over the country. He need not stay in the communities where he is not wanted; he can go to the communities where he is desired.

When the Senator says that this bill is drawn in a spirit of hatred, and when he intimates that it should be understood that the Senators who support this bill are actuated by the same sentiments that actuate the sand-lotters of San Francisco, he does us injustice. I am for the protection of every Chinaman by every means known to the law. I would give him the same trial by jury and the same protection at the expense of the Government that I would give the best citizen of Massachusetts or any other man who lives in this land. It is not quite fair for the Senator to attempt to make it appear that we, who believe that there is an impending evil and are anxious by the processes of law to restrict this immigration, are joining with a class of people, exceedingly few in numbers, who are disposed to do personal violence to the Chinese in this country.

Mr. DAWES. The champion of this bill from Colorado is uneasy at the position he took yesterday.

Mr. TELLER. Not a bit of it.

Mr. DAWES. It would do him credit if he was. Although the Senator yesterday was willing to admit that our civilization was superior to that of the Chinese, that the civilization of the nineteenth century was superior to that of the sixth, that the Caucasian was superior to anybody else on God's footstool, yet he turned around and said that unless we came with a statute and drove off one hundred and two thousand Chinamen from fifty million Caucasians it was all day with the latter. He was not afraid to avow here that there were a superior and an inferior race in this country, and that the superior must have control by legislative guards and protections or they would be sure to surrender to the inferior. I should be uneasy if I were in his place at the announcement of such a proposition.

Mr. TELLER. I can hardly allow the honorable Senator to make that statement without contradiction. I made no such statement, and the Senator ought to know it, because my speech is in the RECORD exactly as I delivered it, without any corrections whatever. I never said that we were in danger of these 102,000 people. I spoke of the vast hordes that might come, and I spoke not of their physical control over this country. I made no such statement as he mentions now.

Mr. DAWES. I will not have any controversy with the Senator. Of course he has a right to put upon the record what he intended to say.

Mr. TELLER. I will stand by what I said.

Mr. DAWES. I will put upon the record as an answer what I find in the RECORD. The Senator said this, or is reported to have said it——

Mr. TELLER. I said it, there is no doubt.

Mr. DAWES. I read his language from the RECORD. He said:

> The Anglo-Saxon, the Caucasian race has a right, considering its superiority of intellectual force and mental vigor, to look down upon every other branch of the human family; a portion of the Anglo-Saxon race has claimed for itself the right to look down upon a portion of the Caucasian race because of their intellectual and moral superiority. All this may be nice in theory, but it is not true in fact, and when you come to make the application it does not work worth a cent. We are the superior race to-day. We are superior to the Chinese, though they go back with their three or four or five thousand years of civilization. As stated by some Senator the other day on the floor of the Senate, the civilization of the Chinese has not proceeded one whit, except as it has gathered some things from contact with us in the last few years, from what it was twenty-five hundred years ago. It has stood still or it has retrograded, and it has not gone on; and for that people there is not, as supposed by the Senator from Massachusetts, any future.

Mr. TELLER. Does the Senator think that will improve his speech? If so, I have no objection.

Mr. DAWES. I think it establishes my position.

Mr. TELLER. Not at all.

Mr. DAWES. I leave the statement of the Senator, because I would not do him any injustice. He says now that he is perfectly content with what he said yesterday.

Mr. TELLER. I am.

Mr. DAWES. And I am content with the argument I have made on it. If he is able to stand upon all the deductions which follow

from this statement, then of course the Senator will maintain himself to his own satisfaction, at least in the position he takes.

Mr. President, this is not a new feature in legislation. It is an application of an old feature of legislation to a new case. The language of this bill to carry out the principle in its application to the Chinese is familiar to those who recollect the history of the country in the past. It is evoked from the dead past. It is evoked from a system of legislation in disregard of human rights, to which large portions of this people once adhered, and whose consequences have been deep and lasting upon the history of the country and the character of her institutions. I had hoped that it would have remained in the dead past. I for one, having some recollection of the commotions and disturbances bred of it in times now happily gone, hoped we might never hear of it again; but I do not choose that this revival of it shall go into history without there going along with it the source from whence it comes. There have been times in the history of this country when her people have attempted the same thing about other races, and in language so like this that the provisions of this bill could almost be seen by one familiar with laws that have been, but which have been swept away by an omnipotent public opinion and doomed to that oblivion in which sooner or later this is as sure to be consigned as that the eternal principles upon which this Government is founded will survive.

Let me put upon record by the side of this proposed legislation what others heretofore have vainly attempted to do, and see how like it is in principle and almost in language. A half a century ago a State of this Union enacted "An act for the better regulation of free negroes and persons of color, and for other purposes," which provided—

> That if any vessel shall come into any port or harbor of this State, from any other State or foreign port, having on board any free negroes or persons of color, as cooks, stewards, or mariners, or in any other employment on board of said vessel, such free negroes or persons of color shall be liable to be seized and confined in jail until such vessels shall clear out and depart from this State; and that when said vessel is ready to sail, the captain of said vessel shall be bound to carry away the said free negro or free persons of color, and to pay the expenses of his detention; and, in case of his neglect or refusal so to do, he shall be liable to be indicted, and, on conviction thereof, shall be fined in a sum not less than $1,000, and imprisoned not less than two months; and such free negroes or persons of color shall be deemed and taken as absolute slaves, and sold in conformity to the provisions of the act, &c.

The impotence of this law having been demonstrated, the makers of it rallied again some twenty years afterward and enacted:

> That from and after the passing of this act, it shall not be lawful for any free negro or person of color to migrate into this State, or be brought or introduced into its limits, under any pretext whatever, by land or by water. And in case any free negro or person of color (not being a seaman on board any vessel arriving in this State) shall migrate into, or be introduced into, this State, contrary to this act, it shall and may be lawful for any white person to seize and convey him or her before any magistrate of the district or parish where he or she may be taken; and it shall be the duty of the sheriff or any constable in the parish or district in which said entry shall be made, and of the city marshals in the city of Charleston, should entry be made in Charleston, upon information of the migration or introduction of any such free negro or person of color, to arrest and bring before some magistrate of the district or parish where the said free negro or person of color shall be taken; which magistrate is by this act empowered to commit to prison, or, at his discretion, to hold to bail, such free negro or person of color, and to summon three freeholders and form a court, as the law directs for the trial of persons of color, and examine such free negro or person of color, within six days after his or her arrest, and, on conviction, to order him or her to leave the State, and to commit such free negro or person of color so convicted, to close prison, until such time as he or she can leave the State; or to release him or her on sufficient bail, for any time not exceeding fifteen days, at the discretion of the magistrate. And every free negro or person of color so bailed, and ordered to leave the State, as aforesaid, who shall not have left the State within the time for which he or she shall have been released on bail, or who, having left the State after conviction as aforesaid, shall return into the same, shall be arrested and committed to close prison aforesaid; and upon proof before a court, to be constituted as this act directs, of his or her having failed to leave the State as aforesaid, or of his or her having returned into the State after having left the same as aforesaid, he or she shall be subjected to such corporal punishment as the said court in their discretion shall think fit to order. And if, after said sentence or punishment, such free negro or person of color shall still remain in the State longer than the time allowed, or having left the State, shall thereafter return to the same, upon proof and conviction thereof, before a court to be constituted as hereinbefore directed, he or she shall be sold at public sale as a slave; and the proceeds of such sale shall be appropriated and applied, one-half thereof to the use of the State, and the other half to the use of the informer.

Then further on in the same act is the source of the penalty upon a poor Chinaman who comes back here unwittingly after he has once got out of the country:

> *And be it further enacted by the authority aforesaid*, That it shall not be lawful for any free negro or person of color who has left the State at any time previous to the passing of this act, or for those who may hereafter leave the State, ever to return again into the same, without being subject to the penalties of the first section of this act as fully as if they had never resided therein.

Sir, within my own service here, a free State of this Union undertook the same impotent assault upon human rights and incorporated the provision which I shall read into a constitution, the adoption of which in Congress rent political parties asunder, and contributed its full share to the accomplishment of those great events which planted in the fundamental law of this land the inalienable right of all men to life, liberty, and the pursuit of happiness. The constitution of Oregon fired its volley at the free negro in these words:

> No free negro or mulatto, not residing in this State at the time of the adoption of this constitution, shall ever come, reside, or be within this State, or hold any real estate, or make any contract or maintain any suit therein; and the Legislative Assembly shall provide by penal laws for the removal by public officers of all such free negroes and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them therein.

It proposed to punish with penal laws any man who should give the free negro found in the State of Oregon a crust of bread! Sir, I had hoped that these things had passed away. I had hoped that with the fire and conflict of war this people had been taught that there were human rights as broad as the human family, and that the glory of this nation was that it was an asylum for the oppressed of all lands. It is, however, for this day and this bill to evoke from the tomb of the past the spirit which animated those who looked into the face of man rather than into his heart for the standard by which he was to be measured and respected by the laws of the land.

We are told that all this comes from what seems to me to be the most alarming of all doctrines, that the people of the United States are to surrender their convictions to the demand of locality, and that when any particular locality shall determine what is to be the character and the standard by which men in this country are to be measured and their rights guaranteed, all other parts of the country by a general law are to surrender to their view. The logic of all this was seen very clearly by the distinguished Senator from Mississippi [Mr. GEORGE] yesterday. He took care to take a pledge from the advocates of this bill as to the condition upon which he would support it. He saw clearly that if the people of California could determine for the Congress of the United States who should live among them and enjoy the rights guaranteed by the Constitution to

them, the people of Mississippi could in their good time determine for the people of the United States what should be the political character and condition of those who live among them. There is no concealment in the Senator from Mississippi. He not only follows the logic of this bill to its conclusion, but he publicly avows it, so that they who support this bill do it with their eyes and their ears open, and know that they are supporting a principle which leads to the determination of the political rights of those who live in Mississippi, when Mississippi shall so decide.

I desire to put again upon the record what the Senator from Mississippi put there yesterday, and ask my friends here if they are prepared to accept his pledge and commit themselves by support of this bill to the doctrine the Senator from Mississippi announced yesterday.

Mr. GEORGE. Mr. President, I do not know that I clearly understand the doctrine imputed to me by the distinguished Senator from Massachusetts. If he desires to put on the record any position which I took yesterday upon this question, I will say that it would be fair to me and fair to those whom I represent, as my language was carefully guarded, to read what I said, and not to indulge in what the Senator is pleased to call logical deductions from my remarks.

If the gentleman means to impute to me the expression of an opinion or of a wish to assume for the people of Mississippi or for the people of any other State the power or right to determine for themselves the political status of any portion of the citizens of the United States, he imputes to me an opinion which I do not entertain and which I did not express.

I did not say yesterday that the people of the Pacific States had a right to determine this question for themselves. Dealing with foreigners, dealing with persons who had no rights in this country, except such as we, the people of this country, see proper to concede to them, I did say that upon that question, so far as it concerned the Chinese who were in their midst, their opinion as to the evils of Chinese immigration should have great weight in our deliberations; that I preferred the experience, the trial, which these people had had with the Chinese immigrants to the speculations of persons who knew nothing about it; and that is as far as I went on that subject. That is all I want to say.

Mr. DAWES. The Senator from Mississippi saw me about to read what he did say, and sprang to his feet to explain or expound his own language.

Mr. GEORGE. I did not see that you were about to read what I did say.

Mr. DAWES. Just before the Senator got on his feet I had told him that I desired to put him on record again. I do not intend to misrepresent the Senator.

Mr. GEORGE. I do not think you do. I did not impute such an intention on your part.

Mr. DAWES. I do not. I admire the Senator's boldness. I knew that he wrote out his remarks with care, and I knew that he was not a Senator to shrink from the consequences of what he said. I proposed to request those who were asking me to vote for this bill to listen to what the Senator from Mississippi said were its logical consequences, and I shall now read what he said. The Senator, if he chooses, may look over me.

Mr. GEORGE. I have no doubt you will read it correctly, sir.

Mr. DAWES. The Senator from Mississippi said yesterday:

> And now, Mr. President, before I take my seat I wish to congratulate the Senators from the Pacific States on the skill—

That is the first thing—

> and moderation—

Which is very commendable—

> with which they have discussed the relations of the American people with this inferior race. For once, sir, this subject has been discussed in a calm and philosophical spirit without exciting sectional animosities or rekindling the passions engendered by past contests and dissensions. The time may come—it is not here now—when the relations of another race to American citizenship must be, as all other questions ought to be, discussed in the like spirit.

Just as these Senators have discussed the Chinese question:

> In the mean time, while discharging our duty freely in educating that race into a proper discharge of their duties as American citizens, advancing them to their full capacity, it will also be our duty to observe with care and impartiality the experiment of African citizenship. No man shall strive harder than I will to make the experiment successful, and no man will be more rejoiced if in the end it shall be all that those who initiated it shall desire. All that I ask for the white people of the South on this subject is what I am willing to grant and I believe a majority of this body is willing to grant to the white people of the Pacific States.

What I ask for the white people of Mississippi is what we are granting to the white people of the Pacific States—

> That their testimony, their experience, and their judgment shall not be discredited in a matter so deeply affecting their welfare.
>
> The Constitution was ordained and established by white men, as they themselves declared in its preamble, "to secure the blessings of liberty to themselves (ourselves) and their (our) posterity," and I cannot doubt that this great pledge thus solemnly given will be as fully redeemed in favor of the white people of the South, should occasion for action arise, as I intend on my part and on their behalf to redeem it this day in favor of the white people of the Pacific States, by my vote to protect them against a degrading and destructive association with the inferior race now threatening to overrun them.

Sir, that is the logic of the bill. "The time may come." It is not safe to say it has come now, but "the time may come."

Mr. GEORGE. That is the wrong word, to say it is not safe. That seems to imply that I would say so if I had what the gentleman imputed to me a few moments ago—the courage to say it.

Mr. DAWES. If the Senator understood me as intimating that he used that word——

Mr. GEORGE. You said "it was not safe to say it had come now."

Mr. DAWES. Yes, sir; it is not safe.

Mr. GEORGE. I said the time had not come now, not from any considerations of safety or policy, but I simply announced an existing fact, that it had not come now.

Mr. DAWES. I quoted the Senator, not to intimate that the Senator would fail in his duty, as he indicates it there, to contribute all in his power to make African citizenship a success. I do not impute any such thing. I do not impute to the Senator any desire that African citizenship in his State shall fail. I do not intend to do the Senator any injustice, or to leave him dissatisfied with anything, save what he has himself said.

Mr. GEORGE. I am perfectly content to rest upon what I have said.

Mr. DAWES. Of what I know the Senator will not be dissatisfied. I mean to say that the Senator says "the time may come;" and I am willing to add, if the Senator desires it, that he hopes it never will come; but when, in the opinion of his people, it has come——

Mr. GEORGE. I think the gentleman imputes to me there an opinion not expressed. I did not say that the coming of the time was to be determined by the opinions of the people of Mississippi.

Mr. DAWES. I should like to know what the Senator did mean in what he said.

Mr. GEORGE. I meant exactly what I said.

Mr. DAWES. So I supposed.

Mr. GEORGE. I will read that part of my remarks:

The time may come—

Not "will"—

it is not here now—when the relations of another race to American citizenship must be, as all other questions ought to be, discussed in the like spirit.

There is nothing there to suggest that I make the people of Mississippi or of the South the arbiters of the time.

Mr. HOAR. Will the Senator from Mississippi allow me to ask him if he did not say when he uttered his speech "but it will come;" and whether that is not to that extent an erroneous report in the RECORD of what he actually uttered?

Mr. GEORGE. It is a verbatim report.

Mr. HOAR. I ask the question for my own satisfaction. Did not the Senator from Mississippi when he said the time has not arrived, utter the words, "but it will come?" I saw the manuscript, I will state to the Senator, which was in the possession of the Reporter. Perhaps I am stating from an entirely erroneous recollection, but I thought he said "but it will come."

Mr. GEORGE. I said "it may come."

Mr. HOAR. Very well, the Senator undoubtedly states it correctly.

Mr. DAWES. Mr. President, it is not worth while for the Senator from Mississippi and myself to undertake to argue between ourselves what is the true interpretation of the language which is put upon the record where the people of the United States can judge for themselves whether the interpretation which I put upon it is the correct one or not. According to my judgment, if that statement means any thing, it means (and the people of these United States will put that interpretation upon it) that the Senator has announced here upon the floor that the doctrine of the pending bill, carried to its logical end, can be availed of by any community of people in the United States to invoke the general law of the land to eliminate from its social and political existence such element as it it shall determine is unsafe. That is the interpretation I put upon the words; the words themselves I have put upon the record to justify it; and I leave this discussion here with that indorsement of it.

I call the attention of the American people to the fact that we have evoked from the dead past to apply to this people doctrines and provisions of law which the irresistible logic of events had trodden into oblivion amid the fire and smoke and conflict of war. We are indebted to this movement for an invitation to embark anew upon a vain and futile attempt to establish under the flag of the United States and the Constitution that shall govern us the right to distinguish between those who live here, who come here to obey our laws and abide by our destinies, and say to some, "You may remain," but to others, "You are outcasts, and shall choose between the penitentiary and banishment."

Sir, we have gone too far to take that retrograde step. However our friends may succeed for the moment, I tell them again that the debate is not exhausted. It will not die. It will live, an active, moving principle, stirring the liberty-loving and law-abiding people of this broad land to the very depths, till every human being who treads our soil and breathes our air can appeal to our laws and our Constitution for protection and for peace.

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