

The Debate on the Chinese Exclusionary Act and Its Repeal

by Jay B. Martens

The United States had a tradition of free immigration. Senator La Fayette Grover of Oregon stated in 1882, “America has truly been, as she was intended to be, the asylum of the oppressed.”¹ However, in 1882 the United States passed the Chinese Exclusionary Act, the first major piece of legislation to restrict immigration. This legislation remained on the books until in the midst of World War II the United States decided to repeal its suspension of immigration from its ally. This paper will examine and analyze the debates and public sentiment concerning the passage of this controversial piece of legislation in 1882 and its repeal in 1943.

The history of Chinese immigration to the United States began in 1849. This first wave of Chinese immigration included 325 immigrants who arrived in California in response to the gold rush.² At first, these Chinese immigrants were welcomed. In fact, the Governor of California proclaimed that the Chinese were “the most desirable of our adopted citizens.”³ The second wave of Chinese immigrants was also welcomed when they arrived in the 1860s to the shores of California to assist with the construction of the transcontinental railroad. The problem with the Chinese immigrants was not perceived until about 1869 when the construction of the Central Pacific was completed. The completion of the transcontinental railroad resulted in the unemployment of about 65,000 Chinese laborers. This wave of unemployment prompted many of the Chinese to leave the work camps and descend upon the cities of

California, most notably San Francisco. The immigrants were now seeking jobs in the industries that were beginning to develop in California, and as jobs became more and more scarce, a panic swept over the Pacific coast. Beginning in 1872 politicians from the region started attributing the problem to “cheap coolie competition” and the “yellow menace.”⁴

California and the other states of the Pacific coast at first attempted to deal with their “problem” themselves. A series of restrictive anti-Chinese laws and ordinances were passed at both the state and local levels. The courts, however, immediately began ruling most of these acts unconstitutional. The politicians of the Pacific coast then began to seek a national solution to the problem. In 1876 a special joint committee of Congress was created to investigate the problem of Chinese immigration. The committee was chaired by Senator Oliver P. Morton from Indiana. The investigation of Chinese immigration finally resulted in legislative action in 1879 with the passage of what was known as the Fifteen-Passenger Bill. This act would have limited the number of Chinese brought to the United States on a single vessel. This bill was promptly vetoed by President Rutherford B. Hayes on the basis that the act violated the Burlingame Treaty between the United States and the Empire of China.⁵

The Burlingame Treaty had been negotiated in 1868 by Anson Burlingame. This treaty agreed to allow willing emigrants from China to enter the United States for “purposes of curiosity or trade, or as permanent residents.”⁶ After Hayes’ veto of the Fifteen-Passenger Bill, the United States then set out to renegotiate the Burlingame Treaty by sending an envoy to China that included John F. Swift of California, James B. Angell of Michigan, and William Henry Prescott of South Carolina. The envoys completed their task in 1881 with a new treaty that allowed the United States to take restrictive action if Chinese immigration “affects or threatens to affect our interests, or to endanger good order either within the whole country or in any part of it.”⁷

Once this new treaty had been ratified, western Congressmen moved quickly and introduced no fewer than thirteen different bills on the question of restricting Chinese immigration. The first of these bills to be reported out of committee was S. 71, which had been introduced by Senator James Miller of California on December 5, 1881. The Senate debate on the bill began on February 28, 1882, and lasted until March 9.

¹U.S. Congress, Senate, Debate on S. 71 to execute certain treaty stipulations relating to Chinese, 47th Congress, 1st sess., *Congressional Record* (2 March 1882) 1546.

²Ronald Takaki, “Searching for Gold Mountain,” chapter in *A Different Mirror: A History of Multicultural America* (Boston: Little Brown & Co., 1993), 194.

³Congress Debates Chinese Exclusion Laws,” *Senior Scholastic*, 8 November 1943, 6.

⁴Congress Debates Chinese Exclusion Laws,” 6.

⁵U.S. Congress, Senate, *Congressional Record* (1 March 1882) 1516.

⁶U.S. Congress, Senate, Presidential veto message on S. 71 and debate to override the veto of the president on S. 71 to execute certain treaty stipulations relating to Chinese, 47th Congress, 1st sess., *Congressional Record* (4 April 1882) 2551.

⁷*Congressional Record* (4 April 1882) 2551.

The House of Representatives also extensively debated this bill from March 14 until March 23.

While the debate on the Chinese Exclusionary Act was long and thorough, the issue cut beyond partisan politics. In the Election of 1880, both of the major political parties had adopted a plank in their platforms calling for some type of restriction on Chinese immigration specifically. In addition, the Greenback Party, which represented the laboring elements of the United States, also called for a restriction of Chinese immigration.⁸ Instead, the two sides in the debate were generally separated by regional issues. The main proponents to Chinese exclusion came from the western and southern states, and the main opponents to the measure came from the northeastern and middle western states.

The central argument offered in favor of the restriction on Chinese immigration seemed to have centered on fear. As Senator Angus Cameron of Wisconsin stated, "I am one of those who believe that either the Anglo-Saxon race will possess the Pacific slope or the Mongolian race will possess it."⁹ With the population of the entire United States only around 50 million people, the vast population of China seemed very threatening. As Senator La Fayette Grover of Oregon confirmed, "The Empire of China with her 400,000,000 of human beings and more, embracing one-third of the population of the globe, hangs like a threatening cloud over the virgin States of the Pacific."¹⁰ Senator Grover also cited the Oregon Legislative Assembly, which concluded that China and "Her people may swarm upon us like locusts."¹¹ These images were used repeatedly in the debate by the proponents of the restrictions on Chinese immigration. They continually depicted Chinese immigration as being "vast hordes" who were "swarming" upon the shores of the United States and specifically the western states.

The recent treaty negotiated with the Chinese made the problems caused by the "vast hordes" seem even more pressing in the minds of those in the western states. The supporters of the Chinese Exclusionary Act saw an urgency to get the legislation enacted. This urgency was in part due to the fear that the Chinese would try to "swamp" the West Coast with immigrants before the law would go into affect. Senator James Farley was careful to point out how the numbers of immigrants coming to the United States had significantly increased since the treaty negotiations.¹² The *New York Times* also ran an Associated Press release from Portland, Oregon, that reported merchants in China had

arranged with shipping agents in Hong Kong to ship 5,000 to 10,000 "coolies" to Portland. Toward this end, the article reported, the shipping agents had already arranged for three English steamers with a capacity of 2,500 and several smaller vessels to begin transport. These "coolies" had been contracted to the Northern Pacific Railroad.¹³

Many from the eastern states, however, did not see the Chinese immigrants as such a threat to the United States. Senator George Hoar of Massachusetts took great lengths to note that there were only 105,000 Chinese in the United States, or "one five-hundredth part of the whole population." How could such a small number be such a menace? "The Chinese are the most easily governed race in the world," stated Senator Hoar. "Yet every Chinaman in America has four hundred and ninety-nine Americans to control him."¹⁴ Furthermore, Senator Hoar continued, "All the Chinese in the country do not exceed the population of the sixteenth city. All the Chinese in California hardly surpass the number which is easily governed in Shanghai by a police of one hundred men."¹⁵ These sentiments were echoed in the House debates by Representative William Rice of Massachusetts. Representative Rice found the argument preposterous and compared those making it to "Don Quixote when he spurred his trusty Rosinante to the world-renowned battle of the wind-mills."¹⁶

The westerners quickly offered a rebuttal to the assertions of Hoar and Rice. Senator James Slater of Oregon noted that if the Chinese immigrants were evenly spread throughout the United States these characterizations would have been valid. Unfortunately, the Chinese were not dispersed evenly. As the *American Catholic Quarterly* observed, while there were only about 100,000 Chinese immigrants on the Pacific coast in 1882, they made up a significant proportion of the population since the region was "much less thickly populated than the States east of the Missouri." Therefore, the journal concluded, "An Asiatic population of a few hundred thousands would suffice to produce in California and Oregon all the difficulties which one of eight or ten millions would produce on the Atlantic seaboard and in the Mississippi Valley."¹⁷ Thus, Senator Slater asserted, ". . . of the four hundred and ninety-nine Americans four hundred and eighty-seven of them were from one thousand to three thousand miles away from where the evils of Chinese emigration are being felt."¹⁸

The *Chicago Tribune* went further when it responded to Senator

⁸U.S. Congress, Senate, *Congressional Record* (8 March 1882) 1712; and U.S. Congress, House, *Congressional Record* (15 March 1882) 1937.

⁹U.S. Congress, Senate, *Congressional Record* (6 March 1882) 1636.

¹⁰U.S. Congress, Senate, *Congressional Record* (2 March 1882) 1545.

¹¹U.S. Congress, Senate, *Congressional Record* (2 March 1882) 1545.

¹²U.S. Congress, Senate, *Congressional Record* (3 March 1882) 1582.

¹³"The Anti-Chinese Feeling," *New York Times*, 5 March 1882, 2.

¹⁴U.S. Congress, Senate, *Congressional Record* (1 March 1882) 1518.

¹⁵U.S. Congress, Senate, *Congressional Record* (1 March 1882) 1518.

¹⁶U.S. Congress, House, *Congressional Record* (14 March 1882) 1939.

¹⁷"The Chinese in America," *American Catholic Quarterly* 9 (January 1884): 62.

¹⁸U.S. Congress, Senate, *Congressional Record* (6 March 1882) 1636.

Hoar's speech by challenging him to "imagine these Chinese pouring into Boston instead of San Francisco by every steamer, filling up the mills, shoe factories, and other manufactories in Massachusetts and driving out white labor."¹⁹ In addition, Representative Albert Willis of Kentucky found it amusing that these arguments were coming from Massachusetts. He recalled from history an incident in 1870 when the Chinese were invited to North Adams, Massachusetts, to break a strike waged by the Knights of St. Crispins. The Chinese had to be protected the entire time they were in Massachusetts from violence. Almost immediately one of their predecessors in Congress, Senator Stewart, introduced a bill to limit and restrict Chinese immigration when Massachusetts had a grand total of 93 Chinese immigrants in the state.²⁰

This fear of a Chinese invasion of immigrants was accentuated by the claims from the western states that they were not assimilating into the American culture. This failure to assimilate was attributed at least in part to the perceived feeling that the Chinese had about their own superiority. For example, it was noted that the Chinese referred to their society as *Zhong Guo*, meaning "Middle Kingdom," which was the product of their ancient belief that China was the center of the universe.²¹ Therefore, most of the Chinese had no intention of staying in the United States permanently. Their goal, the proponents of the legislation claimed, was to simply make money and then return to China. The Chinese even went so far as to have their bones returned to China so that they could be buried with their ancestors should they die before being able to return themselves.²² Furthermore, in the Civil War many immigrant groups formed regiments to help fight for the cause of freedom and human rights, most notable, Representative Horace Page of California observed, was the 69th Irish Regiment from New York. "But where from the tens of thousands of Chinamen that were in this country was there one who shouldered a musket and fight for human rights?" demanded Representative Page.²³

Their refusal to assimilate was seen as a threat to America's homogeneous population, which many of the proponents claimed was the prerequisite if the United States government was to run smoothly. For example, Senator George Edmunds of Vermont informed his colleagues, "My learned friends from Massachusetts may begin with Aristotle and come down to Webster, and they will find everywhere over that long

¹⁹Untitled. *Chicago Tribune*, 5 March 1882, 4.

²⁰U.S. Congress, House, *Congressional Record* (16 March 1882) 1975-1976.

²¹E. W. Gilliam, "Chinese Immigration," *North American Review* 143 (January 1886): 26.

²²U.S. Congress, House, *Congressional Record* (15 March 1882) 1902.

²³U.S. Congress, House, *Congressional Record* (14 March 1882) 1933.

reach of human experience that the fundamental idea of a prosperous republic must be the homogeneity of its people."²⁴ These sentiments were seconded by E. J. James of Normal, Illinois, in a letter to the editors of the *Nation* in which he concluded "that it is far easier for us to keep out the Chinese than to solve the social, economic, and political difficulties which their presence among us will create."²⁵ Furthermore, Representative Deuster of Wisconsin predicted another race war like the Civil War with the result of "irreparable losses of valuable lives" like was needed to settle the question of the importation of Africans as slaves.²⁶

The stance of those individuals who supported Chinese exclusion was that the United States had the right to protect themselves and legislate against cultures foreign and alien to their own. Having just completed debating and voting on a bill to outlaw polygamy among the Mormons that received almost unanimous support in the House, Representative Page believed Congress had already established a precedent of regulating cultures that were opposed to the mainstream culture of the United States, and he and others thought the legislation to restrict Chinese immigration was in the same vein.²⁷

However, this argument against the Chinese did not impress everyone. Representative Ezra Taylor of Ohio pointed to the existing laws on the books. In his opinion, the Chinese were already being discriminated against because the laws allowed only "white persons or persons of African nativity or descent" to become naturalized citizens of the United States. The Chinese perceived this discrimination, so no wonder, Representative Taylor noted, that they never assimilated: "They do not assimilate! . . . Have they ever been invited to assimilate? Have they been treated in California at any time as if they could assimilate?"²⁸

Besides their failure to assimilate, an additional argument used against the Chinese immigrants was the hardships their immigration had created among the white workers of the Pacific coast. There was a great incentive for the Chinese worker to migrate to the United States, the western states argued. In China, these Chinese laborers were found to have only been making 10 to 16 cents a day, but in California, the daily wages ranged from \$3 to \$5 per day.²⁹ Historian Ronald Takaki does not believe these claims were exaggerated by the proponents to Chinese exclusion. His research uncovered the same disparity between

²⁴U.S. Congress, Senate, *Congressional Record* (7 March 1882) 1674.

²⁵E. J. James, "The Chinese Question," Letter to the Editor, *Nation*, 20 April 1882, 338.

²⁶U.S. Congress, House, *Congressional Record* (18 March 1882) 2030.

²⁷U.S. Congress, House, *Congressional Record* (14 March 1882) 1932.

²⁸U.S. Congress, House, *Congressional Record* (16 March 1882) 1981.

²⁹Gilliam, "Chinese Immigration," 28.

what a Chinese laborer made in China and could make by coming to the United States. For example, in the 1860s Takaki found the average worker made between \$3 and \$5 per month in China, and working for the railroads in California, that same worker had the potential to make \$30 per month.³⁰

These Chinese workers, however, were found by the people in the West to be quite a menace to the American laborer. These “coolie” laborers were found to be objectionable in many cases. Representative William Calkins of Indiana and many others characterized the “coolie” as being little more than a slave laborer. The “coolies” were brought over to California under contract by the Six Companies. The Six Companies paid the \$12 for the passage of each “coolie” to the United States, and in return, the immigrant was bound to give a portion of his wages for a set duration to the Six Companies. Even though these contracts would have had no validity under the laws of the United States, the Chinese strictly obeyed every provision of the contract. In many cases, the proponents for exclusion argued, their families were being held captive in China to guarantee the contracts were fulfilled, and in other cases, assassins had been hired to kill those who violated their contracts to make examples of them for the others.³¹

In addition to being virtually slave laborers, the fact that the Chinese were willing to work more cheaply than American laborers was a main objection to their presence. Henry Ward Beecher summarized this sentiment in one of his sermons in which he described a common stereotype of the day: “It was said that a German could live on what an American threw away, a Jew on what the German discarded, and the Chinese on what the Jew threw away.”³² Senator Farley found that employers paid the Chinese immigrant only 30 to 40 percent of what white workers were making. Thus, he concluded, the Chinese “coolie” laborers had “driven from employment” the white laborer.³³ The reason the Chinese were able to subsist on so little was because they did not have to support families. The overwhelming majority of Chinese who immigrated were men who left their families in China. To save money, the Chinese also tended to live in crowded tenements with “a hundred of them being contented in a house not large enough for ten of our own race.”³⁴ In addition to these claims, it was noted by many westerners, that they did not help support the local economy in which they lived. The Chinese immigrant sought to return most of their wages to their family in China. In an article in the *North American Review*, E. W.

³⁰Takaki, “Searching for Gold Mountain,” 193.

³¹U.S. Congress, House, *Congressional Record* (14 March 1882) 1901.

³²“Beecher on the Chinese,” *New York Times*, 27 March 1882, 8.

³³U.S. Congress, Senate, *Congressional Record* (3 March 1882) 1583.

³⁴U.S. Congress, Senate, *Congressional Record* (3 March 1882) 1590.

Gilliam cited estimated figures that the Chinese in California sent \$15 million back to China in the year 1885, and in the prior 25 years they had been in California, they had sent to China just under \$200 million.³⁵

In other areas of the country, though, there was doubt as to how dire the labor problem was with the presence of the Chinese. Senator Hoar cited the *San Francisco Bulletin* from 1878 that compared the wages paid to laborers in California to those in the other parts of the country. Some examples Hoar cited in his presentation were the wages of carpenters. In California, a carpenter earned \$3 to \$3.50 a day, and in Providence, Rhode Island, that same carpenter would only be making \$1.50 to \$1.75 a day. Likewise for the machinist. In California the machinist made \$3 to \$4 a day, but in the eastern states machinists earned only \$1.75 to \$2.50. Based upon these figures, Senator Hoar did not see the American laborer suffering hardships too greatly because of the presence of the Chinese.³⁶

George F. Seward, a former American diplomat to China, also believed these cries were unfounded. Seward contended that the Chinese had actually created new industries for California and the other Pacific states, and it was in these new industries that most Chinese were employed. For example, while the Chinese were the main cigar makers in California, Seward discovered, “None to speak of were made in California until Chinese took up the trade.”³⁷ Likewise, the Chinese made shoes, which was an industry largely absent in California before the arrival of the Chinese. They ran the laundry business, which had been done by the laborers and families themselves until the Chinese came. They helped construct the railroads and reclaim swamp lands, but these were jobs avoided by white laborers in California.³⁸ Even if there was something to the claim that the Chinese laborer was responsible for lowering the wages of the American worker, Seward contended, “At the same time the labors of the Chinese reduce the cost for him of all the necessaries of life.”³⁹ Henry Ward Beecher also took exception to this argument. Beecher asserted that the hardworking nature of the Chinese astounded him, and he saw no point in denying them entry into the United States. In fact, Beecher went so far as to declare, “God writes down ‘asses’ against all men who voted for it [the Chinese Exclusionary Act].”⁴⁰

Other opponents to the legislation also took exception to these

³⁵Gilliam, “Chinese Immigration,” 29.

³⁶U.S. Congress, Senate, *Congressional Record* (1 March 1882) 1522.

³⁷George F. Seward, “Mongolian Immigration,” *North American Review* 134 (June 1882) 564.

³⁸Seward, “Mongolian Immigration,” 564.

³⁹Seward, “Mongolian Immigration,” 564.

⁴⁰*New York Times*, 27 March 1882, 8.

arguments. Many joined Senator Orville Platt of Connecticut when he cut through all the other arguments to assert simply, "This is race legislation."⁴¹ And racist sentiments did play a major role in the debate. Representative Emory Speer of Georgia took the floor of the House to proclaim, "It is my deliberate opinion that the Chinese are morally the most debased people on the face of the earth. . . . Their touch is pollution, and, harsh as the opinion may seem, justice to our own race demands that they should not be allowed to settle on our soil."⁴² Senator Samuel Bell Maxey of Texas concurred by openly stating, ". . . [T]hey bring every character of vice, degradation, and a pagan religion along with them to poison the minds of those less intelligent of our people with whom they have been brought in direct contact—the colored race—and it would be injurious in every sense of the word to the people among whom I live."⁴³

In this racist argument, the Chinese were branded with having brought with them or introduced many dangerous diseases. In his speech, Representative Calkins of Indiana cited the testimony of physicians who claimed the Chinese brought many diseases with them, such as leprosy. One physician cited by Calkins even went as far as to have concluded, "Ninety-nine out of every hundred of them have small-pox."⁴⁴

In addition to the deadly diseases they brought with them, they were blamed for having brought many immoral and objectionable vices. Much was made of the fact that mainly the Chinese immigration saw only men come to the United States. Most of the immigrants did not bring their wives and families with them. The few women who were brought over were mainly prostitutes and were bound to the profession with contracts similar to those of the "coolie" laborer. In addition, the Chinese brought over their drug habit. Much was made of the opium dens where the Chinese sat in drug-induced stupors.⁴⁵

Many, though, were unconvinced of the severity of the problem. For example, the *North American Review* concluded, ". . . [T]he tendency in California has been to draw a darker picture than the facts warrant."⁴⁶ The *American Catholic Quarterly* went on record by declaring, "To describe the Asiatic immigrants as a body of lepers or slaves, as has been occasionally done, is alike absurd and unjust."⁴⁷ Representative Taylor of Ohio was also greatly perplexed by these arguments. Taylor identified

⁴¹U.S. Congress, Senate, *Congressional Record* (8 March 1882) 1705.

⁴²U.S. Congress, House, *Congressional Record* (18 March 1882) 2028.

⁴³U.S. Congress, Senate, *Congressional Record* (3 March 1882) 1584.

⁴⁴U.S. Congress, Senate, *Congressional Record* (28 February 1882) 1903.

⁴⁵U.S. Congress, Senate, *Congressional Record* (28 February 1882) 1903

⁴⁶Seward, "Mongolian Immigration," 568.

⁴⁷"The Chinese in America," 57.

the illogic behind these arguments when he asserted, "We will send the clothes that we have upon our bodies to the Chinese leper to be cleansed by leprous hands. We will have the Chinese servant in our rooms and about our houses taking care of our children because we can get their labor cheaper."⁴⁸ All of the arguments being offered by those in favor of the legislation just were not being consistent and were often contradictory.

The Chinese themselves also took exception to such depictions. A group of 57 teachers at a Chinese Sunday school in Chicago sent a petition to the President Chester A. Arthur. They attempted to draw a completely different picture of the Chinese. The main argument they offered against the legislation being considered was "the fact the Chinese make quiet, industrious, and law-abiding citizens, not filling our jails and poor-houses as do some other nationalities."⁴⁹

Senator Joseph Hawley of Connecticut also thought the present legislation was going too far if the objection were to stamp out these vices and problems. He felt legislation other than the outright restriction of all Chinese laborers from the United States could achieve the goals enunciated in support of the legislation:

Make your conditions what you please for immigration and for attaining citizenship, but make them such that the man can overcome them. Do not base them upon the accidents of humanity. If you say that a man shall not come in or shall not become a citizen until he can read and write our language, or until he can pass an examination upon the Constitution, or until he shall have accumulated a thousand dollars, or any one of any qualifications and limitations that easily suggest themselves, you still leave the door open to any man in the world to overcome this and come in, but if you say he shall not have this, that, or the other right because he is yellow, or because he is black, or because he is born in a certain place, I hold that it is a departure from the republican doctrine.⁵⁰

The *Nation* also found it unusual that the Republican Party, the party of Abraham Lincoln, the party that freed the slaves, and the party that fought for the rights of blacks should now be promoting what the magazine felt was a racist law. The *Nation* concluded, "It is beyond

⁴⁸U.S. Congress, House, *Congressional Record* (16 March 1882) 1983.

⁴⁹"Protest from the Christian Chinese," *New York Times*, 21 March 1882, 4.

⁵⁰U.S. Congress, Senate, *Congressional Record* (9 March 1882) 1740.

question that they are no more objectionable as laborers than the negroes were at the South after the war. . . ."⁵¹ Those promoting the exclusion of Chinese, however, took exception to such comparisons. They did not see the two issues as being the same. Senator Henry Teller of Colorado took the lead in this campaign. He clamored on the floor of the Senate, "Why, Mr. President, reference has been made to the negro in this country. There is no analogy. The negro was here, he had a right to be here, and by law we made him a citizen."⁵² The law was not aimed to punish or discriminate a group of people already in the United States, these proponents argued. The law was to exclude an undesirable group from immigrating to the United States, which they asserted as an inherent right of all nations to be able to restrict immigration to their countries. As the *American Catholic Quarterly* concluded, "It is claimed and admitted by every civilized power, and has been admitted from the earliest times."⁵³

In the past, the main reason that had prevented the passage of some restrictive legislation towards Chinese immigration was the Burlingame Treaty with China. The newly negotiated treaty ratified in 1881, however, eliminated that argument, and the *New York Times* even went so far as to report, "It would be an odd thing to negotiate with the Emperor of China for his assent to such a law, and then to refuse to adopt it."⁵⁴ The advocates for this restrictive legislation claimed that the Chinese could hardly object since they themselves imposed very restrictive immigration legislation against the United States. Senator Augustus Garland of Arkansas quoted from the State Department dispatch from 1878 in which officials reported, "We have voluntarily accorded to her people within our borders the privileges of those of the most favored nations. China, however, has yielded only a few privileges to our people, and we are constantly obliged to resort to diplomatic representations to secure to them the enjoyment of even these. As a consequence, we are always asking something of China, while she has nothing to ask from us."⁵⁵ Therefore, Garland concluded, this law was completely proper as a matter of diplomatic reciprocity.

However, many opponents to the legislation did not agree with this view. They thought that such restrictive legislation as proposed in S. 71 would bring retaliation from the Chinese, which would severely injure the trade relations between the United States and China. For example, Senator Joseph Brown of Georgia cited figures from the Chief of Bureau Statistics in which it was estimated that the amount of commerce

⁵¹"The Republican Party and the Chinese Bill," *Nation* 16 March 1882, 222.

⁵²U.S. Congress, Senate, *Congressional Record* (6 March 1882) 1645.

⁵³"The Chinese in America," 57.

⁵⁴"The Chinese Bill in the Senate," *New York Times*, 7 March 1882, 4.

⁵⁵U.S. Congress, Senate, *Congressional Record* (3 March 1882) 1586.

conducted by the United States with China at the time of the Burlingame Treaty was \$15,365,013. During the fiscal year ending in June 1881, though, the Chief of Bureau Statistics found the amount had almost doubled since the treaty had been enacted with the amount of commerce conducted with the Chinese being \$27,765,409.⁵⁶

This legislation, Senator Brown concluded, would endanger this growing commerce with China and especially hurt his constituents in Georgia, which was just beginning to industrialize and needed access to the large markets China offered. This sentiment was echoed by the New York Chamber of Commerce as reported in the *New York Times*. The Chamber of Commerce did not want to jeopardize the embryonic commercial relations between China and the United States, which they saw as having enormous potential and "promise to reach enormous proportions in the near future."⁵⁷

This argument only incensed the opposition, who felt the monied interests of the country were willing to sell out in order to assure future profits. This profit motive undermined all the noble arguments the opposition had been offering in opposition to the restrictive immigration. For example, the *San Francisco Bulletin* lambasted those who opposed the legislation only to make money for themselves: "When Connecticut cleaves the air in a great burst of philanthropy, we know that it is that \$60,000 worth of clocks and parts of clocks which she exported in 1881 to China that is ticking in those fine stratus." The editorial concluded that "the 'universal brotherhood' notion will not flourish very long under the monitions of a declining bank account."⁵⁸

Senator Jones of Nevada also thought it unusual that the majority of the congressmen who opposed this legislative matter were in favor of protective tariffs to shelter American businesses from foreign competition. Jones contended that this bill attempted no less than to protect American laborers from unfair foreign competition. Without this bill, Senator Jones concluded, the country would be establishing a precedent in which the American laborer would find himself in a situation where "Everything he wants to buy he has to buy from his capitalist master in a protected market; everything he has to sell . . . he must sell in the openest market in the world."⁵⁹

In addition to protecting laborers, the popular support of the legislation compelled many congressmen to back the legislation. Senator Miller cited a popular vote taken during the general election of 1879 in California on the question of Chinese immigration. In that vote, 883

⁵⁶U.S. Congress, Senate, *Congressional Record* (6 March 1882) 1643.

⁵⁷"Against the Chinese Bill," *New York Times*, 13 April 1882, 3.

⁵⁸"Anti-Chinese Appeal to the Pocket," *San Francisco Bulletin*, 26 April 1882, rpt. *New York Times*, 7 May 1882, 4.

⁵⁹U.S. Congress, Senate, *Congressional Record* (9 March 1882) 1743.

were cast to allow Chinese to continue immigrating to the United States, while 154,638 were cast in favor of restrictive legislation. A similar vote in Nevada resulted in 183 votes for continued Chinese immigration and 17,259 against.⁶⁰

Once Congress began debating the issue, a wave of mass meetings were held throughout the states of the Pacific coast on Saturday, March 4, 1882. In San Francisco, the *New York Times* reported, the meeting was to be held at Matt's Hall, and the hall was packed hours before the meeting was to begin; some 30,000 others crowded Montgomery and Pine streets adjacent to the hall. Governor Perkins of California proclaimed the day to be a legal holiday throughout the state and encouraged these mass meetings to send support to Congress in favor of S. 71. The *New York Times* reported, "The demonstration throughout was conducted with the greatest decorum, becoming a deliberate expression of the sentiment of all classes of the community, irrespective of business or politics. Business was suspended for the day and observance of the holiday was general."⁶¹ The product of these mass meetings were promptly read into the *Congressional Record* by Senator Miller on the morning of March 6, 1882, as were the similar sentiments from a number of other communities in California, Nevada, and Oregon.⁶²

Because of the popular sentiment was so strong, many of the congressmen from the other parts of the country felt compelled to support the legislation, especially from the southern states. Many of these congressmen would have agreed with the old Spanish proverb, "The fool knows more in his own house than the sage in his neighbors."⁶³ Therefore, if the people of the Pacific coast, who had been most affected by the immigration of Chinese, believed that the immigration needed to be restricted, many congressmen felt they were not in a position to know any better. This reason alone, Senator John Ingalls of Kansas believed, was enough to justify his support for the legislation: ". . . when they have spoken through their authorized representatives, with their declaration I shall be content."⁶⁴ Throughout the northeastern seaboard, though, this argument was not widely received. Senator Thomas Bayard of Delaware did not feel that the views of a few states or one region should be forced and imposed upon the entire United States.⁶⁵

The Chinese were so unpopular, though, that the advocates for restriction promoted the legislation for another reason as well—the protection to the Chinese. Waves of violence had swept the Pacific coast

⁶⁰U.S. Congress, Senate, *Congressional Record* (28 February 1882) 1482.

⁶¹"The Anti-Chinese Feeling," *New York Times*, 5 March 1882, 2.

⁶²U.S. Congress, Senate, *Congressional Record* (6 March 1882) 1667.

⁶³"The Chinese in America," 68.

⁶⁴U.S. Congress, Senate, *Congressional Record* (6 March 1882) 1586.

⁶⁵U.S. Congress, Senate, *Congressional Record* (6 March 1882) 1638.

targeting the Chinese immigrants. Many Chinese had been hung from lampposts by their queues, and in San Francisco in 1877, Chinese stores were vandalized, Chinese women and children brutalized, and the Pacific Mail Steamship Company—which had brought most of the Chinese immigrants to California—almost had their docks set ablaze.⁶⁶ Because the local governments had been unable to protect the Chinese from these waves of violence, many claimed that this legislation was in the best interest of the Chinese.

Representative Taylor from Ohio, though, did not find it comforting to have to exclude Chinese immigration for this reason. He used an analogy to show how ludicrous he felt this claim was: "It is a conflict between the wolf and the lamb. . . . The lamb is the one who is to suffer, not the wolf. The wolf does not bet that his shall do better. He does not cease and desist. But he wants the lamb to be punished, to be slaughtered, that there may be no warfare between the wolf and the lamb."⁶⁷

As the debate illustrates and as the *American Catholic Quarterly* concluded, ". . . [P]ublic opinion is by no means unanimous either as to the justice or the wisdom of the law itself."⁶⁸ However, S. 71 was passed by the Senate on March 9, 1882, with a vote of 20 to 15, and the measure passed the House on March 23, 1882, with a vote of 167 to 66. President Chester A. Arthur, however, vetoed the measure on April 4, 1882. His objections were not with the fundamental principles involved in the law, but with the specifics of the bill, which he felt violated the provisions of the 1881 treaty. His two main objections were that the measure should not apply to all labor, both skilled and unskilled. While the wording of the treaty itself may have permitted such action, the record of the negotiations had showed Arthur that it did not remain in good faith with the intent of the treaty. Secondly, Arthur objected to the 20 year prohibition of the treaty, which he felt was much too long, and he concluded once again "that good faith requires us to suspend the immigration of Chinese laborers for a lessor period than 20 years. . . ."⁶⁹

While the Senate started debate in an attempt to override the measure, the House introduced a new bill, H.R. 5804, which attempted to neutralize these objections by excluding from the bill skilled laborers and artisans, applying the suspension of immigration to only unskilled laborers, and lessened the period of suspension of unskilled laborers from China to ten years. This measure passed both houses of Congress and was signed by President Arthur on May 9, 1882. The measure was later modified in 1884 to include more groups under the suspension. In

⁶⁶"Congress Debates Chinese Exclusion Laws," 6.

⁶⁷U.S. Congress, House, *Congressional Record* (6 March 1882) 1983.

⁶⁸"The Chinese in America," 57.

⁶⁹U.S. Congress, Senate, *Congressional Record* (4 April 1882) 2551-2552.

1892, the suspension was extended for an additional ten years, and in 1902 Chinese immigration was prohibited indefinitely.⁷⁰

The drive to repeal this legislation began in 1943 with an address by Mme. Chiang Kai-shek to Congress on February 18, 1943, in which she asked for the restrictions on Chinese immigration to be repealed. On October 11, 1943, President Franklin D. Roosevelt sent a message to Congress in which he announced that he also supported a repeal of the legislation. In this message, Roosevelt stated, "It would be additional proof that we regard China not only as a partner in days of war but that we shall regard her as a partner in days of peace. . . . Action by Congress now will be an earnest of our purpose to apply the policy of the good neighbor to our relations with other peoples."⁷¹

Toward this end, Representative Warren G. Magnusen of Washington and Senator Charles O. Andrews of Florida introduced legislation to repeal the Chinese Exclusionary Acts. The bill they introduced was H.R. 3070 and consisted of three sections. Section 1 repealed all existing laws and statues providing for the exclusion of the Chinese. Section 2 applied the existing quota system adopted in the Immigration and Naturalization Act of 1924 to Chinese immigration. Section 3 allowed Chinese immigrants to be naturalized under existing naturalization laws.⁷² The debate over this bill showed neither partisan politics nor regionalism.

One of the first speakers on this bill was Representative Mason of Illinois. Mason was clear to point out that the quota would allow only 105 Chinese to enter the United States each year. He pointed out the quota is based upon the percentage of Chinese in the American population, not on the number of Chinese in their homeland. Therefore, this law simply put the Chinese under the same restrictions as all other nations.⁷³ Furthermore, since only 105 immigrants would be permitted from China under the current quota system, the original need for the act was no longer present, according to Representative Mason, and therefore, could be repealed without effect to the United States. There would no longer be the threat of vast "hordes" of Chinamen "swarming" the Pacific coast.⁷⁴ Representative Judd of Minnesota, who had served as a medical missionary in China for ten years, concurred with this conclusion. Judd offered an analogy to illustrate just how obsolete the

⁷⁰U.S. Congress, House, Debate on H.R. 3070 to repeal the Chinese Exclusion Acts, to establish quotas, and for other purposes, 78th Congress, 1st sess., *Congressional Record* (20 October 1943) 8575.

⁷¹U.S. Congress, House, *Congressional Record* (20 October 1943) 8576.

⁷²"Repeal of Chinese Exclusion Acts," *Monthly Labor Review* 58 (February 1944): 367-368.

⁷³U.S. Congress, House, *Congressional Record* (20 October 1943) 8575.

⁷⁴U.S. Congress, House, *Congressional Record* (20 October 1943) 8584.

old laws were: "But they are outmoded now by the quota method. We used to give quinine for treatment of pneumonia; it was the best we had. But now we have sulfadiazine and sulfapyridine. We do not insist on continuing to use quinine, just because it once was the best we had. We have far better drugs now and therefore use them."⁷⁵

A further argument offered to repeal the restrictive legislation was the fact, as *Collier's* concluded, "The Chinese are now our allies in World War II—and extremely valuable allies."⁷⁶ The military experts had testified that Allied success in the war depended on Russia and China being able to remain in the war. Great assistance had been provided to Russia, but as Representative Scanlon of Pennsylvania noted, "In China's case the evidence has been very, very meager. We can go on record here in the House of Representatives with concrete action."⁷⁷

Similarly, the Chinese had proven their mettle and character with their bravery during the war. So as the National Conference of Christians and Jews concluded in a letter read by Representative Dickstein into the *Congressional Record*, "The Chinese people, by their heroic resistance to Japan, have certainly proved themselves a great and noble people. Surely they are worthy to be treated as we treat the peoples of other nations."⁷⁸ Furthermore, the Chinese in America had proven their character as well. The *New Republic* observed, "They are industrious, they made almost no calls for relief during the depression, they are notably honest and law-abiding."⁷⁹

The unfairness of the current laws restricting Chinese immigration was also observed and commented upon. Representative Gossett of Texas noted that the Chinese were the only one of the Allied nations helping to fight for freedom against tyranny that were not allowed to freely migrate to the United States, which he concluded as an insult to those "gallant and courageous people."⁸⁰ He further observed that the Chinese were also the only nation of people that were specifically named as being excluded—even the Japanese had never been named in a specific statute as to be singularly identified for exclusion.⁸¹

⁷⁵U.S. Congress, House, *Congressional Record* (21 October 1943) 8632.

⁷⁶"America, Asia, and the Future," *Collier's*, 9 October 1943, 82.

⁷⁷U.S. Congress, House, *Congressional Record* (20 October 1943) 8596.

⁷⁸U.S. Congress, House, *Congressional Record* (20 October 1943) 8573.

⁷⁹Richard J. Walsh, "Our Great Wall Against the Chinese," *The New Republic*, 23 November 1942, 672.

⁸⁰U.S. Congress, House, *Congressional Record* (20 October 1943) 8582.

⁸¹U.S. Congress, House, *Congressional Record* (20 October 1942) 8581. Japanese exclusion had resulted because of the Gentlemen's Agreement negotiated by Theodore Roosevelt with the Japanese and had never been acted on by Congress. In 1943, Japanese immigrants were being excluded by the Immigration and Naturalization Act of 1921, which just excluded all Orientals from migrating to the United States without specifying any specific groups to be prohibited.

Representative Judd noted a further insult: “Under our present laws Hitler is admissible to our country and eligible for citizenship; Mme. Chiang Kai-shek is not.”⁸²

This sudden benevolence toward the Chinese, however, perplexed some and was by no means shared by all. For example, Representative Elmer of Missouri was amazed at how quickly the American mind set changed. From the 1880s to the 1940s, Elmer noted, Americans had characterized immigrants from China as those “Chinese devils.” All of a sudden, though, the perspective changed with World War II, for as Representative Elmer concluded, “If it had not been for December 7, I do not know if we would have ever found out how good they were.”⁸³

Likewise, the racist sentiment that had been present in the original debate also surfaced. Being the most direct about his racism was Representative White of Idaho. White did not believe the Chinese character could have changed as drastically as some had tried to make it appear. To illustrate this point, he offered the following analogy: “When I go . . . to buy some cattle, I try to look around and get cattle that are bred-up over a period of a good many centuries. If I want a horse I go there and get a horse of a breed that has been improved by breeding over a long period of time.”⁸⁴ He concluded, therefore, that the Chinese character had not yet changed enough to freely admit them to the United States.

Likewise, in a letter to the editors of the *New York Times*, Edward R. Lewis of Winnetka, Illinois, stated his opinions on the repeal of the Chinese Exclusionary Act. His view was that the law should remain to keep the United States more of a homogeneous population, believing that a democracy works best when the population is not mixed. Toward this end, Lewis wrote, “It is based upon the conviction that a happy and successful and coherent democracy cannot be maintained in a country whose population is made up of whites and browns and yellows and blacks.”⁸⁵

These racist arguments, though, were what many of the proponents of the legislation were seeking to avoid. Representative Mason stated that the repeal of the Chinese Exclusionary Act was a military necessity in order to combat the growing Japanese propaganda that bombarded the Chinese constantly.⁸⁶ Representative McCormack of Massachusetts concurred with Mason’s conclusion and cited Admiral H. E. Yarnell, who had spent most of his 50 years in the United States Navy in the Pacific,

who testified, “. . . [O]ur present law . . . is worth 20 divisions to the Japanese Army.”⁸⁷ The *New Republic* concurred with this view when they reported, “. . . Japanese propaganda . . . is daily telling the Chinese that our protestations of friendship are false as hell. . . .”⁸⁸

An excerpt from one of Japan’s propaganda broadcasts to China illustrates the hypocrisy of the laws of the United States toward their ally: “While white people are free to live in China, the Chinese cannot enter the United States.”⁸⁹ Brooks Atkinson, reporting for the *New York Times* from Chungking, China, wrote that this propaganda was beginning to have an effect. The Chinese were amazed at the American argument that the repeal would possibly lower the standard of living in the United States when the immigration resumed. Chinese officials and the public were perplexed that the United States was concerned “about labor competition and a possible lowering of the standard of living of 130,000,000 Americans” since only 105 Chinese would be permitted entry each year under the quota system.⁹⁰

However, Representative Bennett of Michigan saw that the repeal of the legislation would only create new propaganda opportunities for the Japanese by shifting the immigration restrictions from China to the Filipinos. The Philippine Independence Act of 1934 gave the Filipinos, an American protectorate, only 50 immigrants a year and would completely bar immigration once the islands were granted their independence. Likewise, all other Orientals were excluded from immigration as well. Therefore, Bennett felt these other allies of the United States would become upset if the Chinese were the only Oriental people given preferential treatment under the law.⁹¹

This argument hit right at the heart of the opposition to the repeal legislation—the fear that the repeal of Chinese exclusion would lead to relaxation of other immigration laws. As Representative Michener of Michigan observed, “If I judge rightly, the principal opposition to this bill is because it is feared that this is but the forerunner of legislation that is to come from the Immigration Committee at a later date letting down the bars, throwing open the gates, and creating a condition after the war that will make it utterly impossible to go back to American standards of living.”⁹² This observation seems to have been correct. For example, the main opposition to the bill in the Senate was from Senator Robert Reynolds of North Carolina, who began his presentation with the

⁸²U.S. Congress, House, *Congressional Record* (20 October 1943) 8593.

⁸³U.S. Congress, House, *Congressional Record* (20 October 1943) 8594.

⁸⁴U.S. Congress, House, *Congressional Record* (21 October 1943) 8628.

⁸⁵Edward R. Lewis, “Oriental Exclusion Favored: Complication of Racial Problems Seen in Proposed Repeal of Act,” Letter to the Editor, *New York Times*, 25 June 1943, 16.

⁸⁶U.S. Congress, House, *Congressional Record* (20 October 1943) 8583.

⁸⁷U.S. Congress, House, *Congressional Record* (20 October 1943) 8579.

⁸⁸“Chinese Exclusion,” *New Republic*, 6 September 1943, 323-324.

⁸⁹“Congress Debates Chinese Exclusion Laws,” 6.

⁹⁰Brooks Atkinson, “U.S. Exclusion Act Painful to Chinese,” *New York Times*, 29 May 1943, 5.

⁹¹U.S. Congress, House, *Congressional Record* (20 October 1943) 8581.

⁹²U.S. Congress, House, *Congressional Record* (20 October 1943) 8303.

following commentary: “Since I first came to the Senate I have opposed all immigration into this country. . . .”⁹³ Senator Reynolds concluded that if the United States were to allow the Chinese to immigrate to the United States that the list would soon have to be expanded. He estimated that about 2,000 other Asiatics would probably be allowed in under the provisions of the minimum quota law. To support this claim, Reynolds had printed in the *Congressional Record* an article by Edward R. Lewis entitled “Quota of 105 Would Not Always Satisfy Chinese” which appeared in *Washington News*: “I count at least 20 countries with people of the brown and yellow races, each of which would be entitled in all fairness to a minimum of 100, if China is granted a quota. This makes 2,000 immigrants of the brown and yellow races each year instead of a mere 105.”⁹⁴ Furthermore, Reynolds asserted, “When naturalized, these Asiatics of all races, including the Chinese, will be entitled to bring in an endless chain of relatives.”⁹⁵ Reynolds further summed up the oppositions’ main view against the repeal with an analogy:

It will mean merely the sticking of the big toe in the door which many radical internationalists want to open up. Next, if the big toe gets into that door, as provided by the repeal of the Chinese exclusion law, we will find the foot, then the leg, then the whole body, and all the immigration gates of America will be opened up to the peoples of the world to come here and compete with our own people.⁹⁶

To further show his dislike of all immigration, Senator Reynolds offered two amendments to H.R. 3070. The first would have permitted no immigration into the United States at any time when there were more than one million unemployed persons. The second provided for complete “termination” of all immigration from the passage of the act up to one year after the war ended.⁹⁷ These amendments encompass the fears of the main groups that opposed the legislation, namely the American Legion, the Veterans of Foreign Wars (VFW), and the American Federation of Labor (AF of L). The biggest fears of these organizations seemed to revolve around the post-war world. Most people, Senator Elbert Thomas of Utah noted, had observed that “great panics and depressions will inevitably follow this great war. Judging

⁹³U.S. Congress, Senate, *Congressional Record* (26 November 1943) 10011.

⁹⁴U.S. Congress, Senate, *Congressional Record* (26 November 1943) 10014.

⁹⁵U.S. Congress, Senate, *Congressional Record* (26 November 1943) 10013.

⁹⁶U.S. Congress, Senate, *Congressional Record* (26 November 1943) 10016.

⁹⁷U.S. Congress, Senate, *Congressional Record* (26 November 1943) 10018. Both of the amendments were defeated.

from the past, some may think we ought to have the greatest of all panics and the greatest of all depressions after this war, because it is the greatest of all wars.”⁹⁸

With this fear of depression and unemployment, many of the opponents to the repeal felt that their duty as the Congress of the United States was to think of America first. Several congressmen noted the fact that once the war was over the nation would have a problem finding jobs for the 12,000,000 men in uniform who would be returning home. For example, Representative Robison of Kentucky wanted to avoid the aftermath of World War I when the nation found “literally millions of our veterans of that war walking the streets seeking employment that they could not find.”⁹⁹ Therefore, Representative Robison opposed the legislation in an attempt to eliminate foreign competition for jobs in the United States after the war and echoed the sentiments the American Legion voiced at their national convention in September 1943, which Robison quoted: “We must not start giving post-war work to alien immigrants ahead of those men who have honorably served our country in war.”¹⁰⁰

This argument was challenged by the calls of many that the repeal of the legislation would promote good will between the two nations that could turn into economic gain after the war. The vast population of China was seen as another potential market for American industries after World War II. The leaders of China had already announced their determination to become industrialized after the war, despite the sketchy infrastructure of their nation. The United States, therefore, had an opportunity to help make these internal improvements in China after the war. For example, China would have to begin improving its infrastructure by building vast stretches of railroads, which *Collier’s* estimated would cost about \$50,000 per mile.¹⁰¹

Likewise, the Chinese had been deprived of consumer goods under the Chinese emperors and the wars that plagued the early republican years. For example, at the time Pearl Harbor was bombed in 1941, it was estimated that there was one car for every five Americans, but in China there had been just one car for every 5,000 people. The United States also had one telephone for every nine people, but China had only one for every 1,500 people. Therefore, Americans saw vast consumer markets to be gained in China that would replace the demands of the military and keep American businesses working at peak production. The result, many concluded, would be the creation of new jobs, not the loss of

⁹⁸U.S. Congress, Senate, *Congressional Record* (26 November 1943) 9993.

⁹⁹U.S. Congress, Senate, *Congressional Record* (20 October 1943) 8578.

¹⁰⁰U.S. Congress, Senate, *Congressional Record* (20 October 1943) 8578.

¹⁰¹“America, Asia, and the Future,” 82.

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jobs as had followed previous wars.¹⁰²

As can be seen, then, a multitude of arguments were offered both for and against the repeal of the legislation just as many arguments were made for the passage of it. The debates over the decision to pass this controversial piece of legislation in 1882 were much more intense and thorough than the debates to repeal the act in 1943. In 1882, the debate was prolonged over many days in Congress. The act to repeal the legislation was debated for on a few hours over a couple days to pass both the House and the Senate. In 1882 when the measure was first enacted, the country was divided regionally over the issue. The western and southern states favored the measure, while the northeastern and middle western states were opposed to the law. The act to repeal the legislation, though, did not appear to be regional. The western states that had fought the hardest for the measure were some of the same ones who were leading the fight to repeal the legislation in 1943. Many of the arguments in the two debates were the same. The protection of American laborers was foremost in the passage of the act as well as in the opposition to its repeal. Other major arguments that appeared in the debates were the economic motives both for and against Chinese immigration, and unfortunately, racism was also deliberated at length. In the end, though, it was decided there was no special need to continue to restrict only Chinese immigration. By the 1940s there were already many measures to restrict immigration from all regions and countries of the world so that the Chinese were no longer perceived as a threat to American interests. However, the first step in this restriction of immigration began in response to this question of Chinese immigration.

¹⁰²“America, Asia, and the Future,” 82.