

the idler. And this declaration is extorted from unwilling China by the demand of America. With paupers, lazzaroni, harlots, persons afflicted with pestilential diseases, laborers are henceforth to be classed in the enumerations of American public law.

Certainly, Mr. President, this is an interesting and important transaction. It is impossible to overstate or calculate the consequences which are likely to spring from a declaration made by the United States limiting human rights, especially a declaration in a treaty which is to become international law governing these two great nations. As my friend from California [Mr. Miller] well said, it is of the earth, earthy. The United States within twenty years has taken its place as the chief power on the Pacific. Whatever rivalry or whatever superiority we may be compelled to submit to elsewhere, our advantage of position, unless the inferiority be in ourselves, must give us superiority there. Are we to hold out two faces to the world, one to Europe and another to Asia? Or are we to admit that the doctrine we have proclaimed so constantly for the first century of our history is a mere empty phrase or a lie?

For myself and for the State of Massachusetts, so far as it is my privilege to represent her, I refuse consent to this legislation. I will not consent to a denial by the United States of the right of every man who desires to improve his condition by honest labor—his labor being no man's property but his own—to go anywhere on the face of the earth that he pleases. . . .

The number of immigrants of all nations was 720,045 in 1881. Of these 20,711 were Chinese. There is no record in the Bureau of Statistics of the number who departed within the year. But a very high anti-Chinese authority places it above 10,000. Perhaps the expectation that the hostile legislation under the treaty would not affect persons who entered before it took effect stimulated somewhat their coming. But the addition to the Chinese population was less than one seventy-second of the whole immigration. All the Chinese in California hardly surpass the number which is easily governed in Shanghai by a police of one hundred men. There are as many pure blooded Gypsies wandering about the country as there are Chinese in California. What an insult to American intelligence to ask leave of China to keep out her people, because this little handful of almond-eyed Asians threaten to destroy our boasted civilization. We go boasting of our democracy and our superiority, and our strength. The flag bears the stars of hope to all nations. A hundred thousand Chinese land in California and every thing has changed. God has not made of one blood all the nations any longer. The self-evident truth becomes a self-evident lie. The golden rule does not apply to the natives of the continent where it was first uttered.

4. Chinese Exclusion Act Suspends Immigration to the United States for Ten Years, 1882

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 by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the expiration of ninety days

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next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or, having so come after the expiration of said ninety days, to remain within the United States.

Section 2

That the master of any vessel who shall knowingly bring within the United States on such vessel, and land or permit to be landed, 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 not more than five hundred dollars for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

Section 3

That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty of ninety days next after the passage of this act, and who shall produce to such master before going on board such vessel, and shall produce to the collector of the port of the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place: Provided, That all Chinese laborers brought on such vessel shall depart with the vessel on leaving port.

Section 4

That for the purpose of properly identifying Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of this act, and in order to furnish them with the proper evidence of their right to go from and come to the United States of their free will and accord, as provided by the treaty between the United States and China dated November seventeenth, eighteen hundred and eighty, the collector of customs of the district from which any such Chinese laborer shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese laborer and cleared or about to sail from his district for a foreign port, and on such vessel make a list of all such Chinese laborers, which shall be entered in registry-books to be kept for that purpose, in which shall be stated the name, age, occupation, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each of such Chinese laborers, which books shall be safely kept in the custom-house; and every such Chinese laborer so departing from the United States shall be entitled to, and shall receive, free of any charge or cost upon application therefore, from the collector or his deputy, at the time such list is

taken, a certificate, signed by the collector or his depute and attested by his seal of office, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement of the name, age, occupation, last place of residence, personal description, and facts of identification of the Chinese laborer to whom the certificate is issued, corresponding with the said list and registry in all particulars. In case any Chinese laborer after having received such certificate shall leave such vessel before her departure he shall deliver his certificate to the master of the vessel, and if such Chinese laborer shall fail to return to such vessel before her departure from port the certificate shall be delivered by the master to the collector of customs for cancellation. The certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return to and re-enter the United States upon producing and delivering the same to the collector of customs of the district at which such Chinese laborer shall seek to re-enter, and upon delivery of such certificate by such Chinese laborer to the collector of customs at the time of re-entry in the United States, said collector shall cause the same to be filed in the custom-house and duly canceled.

Section 5

That any Chinese laborer mentioned in section four of this act being in the United States, and desiring to depart from the United States by land, shall have the right to demand and receive, free of charge or cost, a certificate of identification similar to that provided for in section four of this act to be issued to such Chinese laborers as may desire to leave the United States by water; and it is hereby made the duty of the collector of customs of the district next adjoining the foreign country to which said Chinese laborer desires to go to issue such certificate, free of charge or cost, upon application by such Chinese laborer, and to enter the same upon registry-books to be kept by him for the purpose as provided for in section four of this act.

Section 6

That in order to the faithful execution of articles one and two of the treaty in this act before mentioned, every Chinese person other than a laborer who may be entitled by said treaty and this act to come within the United States, and who shall be about to come to the United States, shall be identified as so entitled by the Chinese Government in each case, such identity to be evidenced by a certificate issued under the authority of said government, which certificate shall be in the English language or (if not in the English language) accompanied by a translation into English, stating such right to come, and which certificate shall state the name, title, or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, and place of residence in China of the person to whom the certificate is issued and that such person is entitled conformably to the treaty in this act mentioned to come within the United States. Such certificate shall be *prima facie* evidence of the fact set forth therein, and shall be produced to the collector of customs, or his deputy, of the port in the district in the United States at which the person named therein shall arrive.

Section 7

That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely impersonate any person named in any such certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

Section 8

That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to landing, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Chinese Government traveling on the business of that government, or their servants, with a note of such facts), and the names and other particulars, as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo. Any willful refusal or neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

Section 9

That before any Chinese passengers are landed from any such vessel, the collector, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law.

Section 10

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.

Section 11

That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall knowingly aid or abet the same, or aid or abet the landing in the United States from any vessel of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year.

Section 12

That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed there from to the country from whence he came, by direction of the President of the United States, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or remain in the United States.

Section 13

That this act shall apply to diplomatic and other officers of the Chinese Government traveling upon the business of that government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons.

Section 14

That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

Section 15

That the words "Chinese laborers," wherever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

Approved, May 6, 1882.

5. New York Chinese Merchants Oppose Renewal of Chinese Exclusion Act, 1892

To the American People, Friends of Humanity:

We, the members of the Chinese Equal Rights League in the United States, who have adopted this country and its customs in the main, are at this moment engaged in a perilous struggle in which our dearest rights as men and residents are involved. Doubtless the reading public is acquainted with the fact that during the last session of the Fifty-second Congress, a Bill was passed, styled the "Geary Bill" or "Chinese Registration Act," in which the attempt is made to humiliate every Chinaman, regardless of his moral, intellectual and material standing in the community, neither

From *Appeal of the Chinese Equal Rights League to the People of the United States for Equality of Manhood* (pamphlet) (New York: Chinese Equal Rights League, 1892), 2-3; reprinted in *Racism, Disent, and Asian Americans from 1850 to the Present: A Documentary History*, ed. Philip S. Foner and Daniel Rosenberg (Westport, Conn. Greenwood Press, 1993), 118-120.

his long residence in the country is considered. By this mean and unjust Act discriminating between foreign residents from different countries has traversed and contraversed the fundamental principles of common law.

As residents of the United States we claim a common manhood with all other nationalities, and believe we should have that manhood recognized according to the principles of common humanity and American freedom. This monstrous and inhuman measure is a blot upon the civilization of the Western World, and is destined to retard the progress already made by the good people of this country in the East in art, science, commerce and religion.

We appeal to the humane, liberty-loving sentiment of the American people, who are lovers of equal rights and even-handed justice, a people from who sprung such illustrious characters as Washington, Jefferson, Clay, Sumner, lastly Lincoln, the citizen of the world, the friend of humanity and the champion of freedom: such illustrious warriors as Sherman, Sheridan, Logan and Grant, whose deeds of valor in the cause of freedom are to be seen in the grand march of American development—a development which merits the emulation of the nations of the earth. Must this growth be retarded simply on account of the doings of a misguided element who have suffered their feelings to control reason, encouraging a prejudice fiendish in its nature and purpose against a class of people who are industrious, law-abiding and honest? Can there be found a more inoffensive class in the body politic? not that we are cowards, but because we believe that mildness and simplicity should be the controlling element in the character of a great man as well as in a great race of people. We have and are still paying our portion of government taxation, thereby assisting in supporting the Government, and thereby sharing an equal part in the support of the nation.

We love and admire the Government, and look with joy to her instrumentality in promoting every good and just cause among men, to her unwavering love of human rights, to her glorious efforts for the advancement of human happiness.

We, therefore, appeal for an equal chance in the race of life in this our adopted home—a large number of us have spent almost our entire lives in this country and claim no other but this as ours. Our motto is "*Character and fitness should be the requirement of all who are desirous of becoming citizens of the American Republic.*"

We feel keenly the disgrace unjustly and maliciously heaped upon us by a cruel Congress. That for the purpose of prohibiting Chinese immigration more than one hundred thousand honest and respectable Chinese residents should be made to wear the badge of disgrace as ticket-of-leave men in your penitentiaries; that they should be tagged and branded as a whole lot of cattle for the slaughter; that they should be seen upon your streets with tearful eyes and heavy hearts, objects of scorn and public ridicule. No! We do not believe it, that so great a people as the Americans would consent to so small a principle toward a mere handful of defenceless men.

Our interest is here, because our homes, our families and our all are here. America is our home through long residence. Why, then, should we not consider your welfare ours? Chinese immigration, as well as Irish, Italian and other immigration, cannot be stopped by the persecution of our law-abiding citizens in the United States.

Treat us as men, and we will do our duty as men, and will aid you to stop this obnoxious evil that threatens the welfare of this Republic. We do not want any more Chinese here than you do. The scarcer the Chinese here, the better would be our conditions among you.