

SPEECH
OF
HON. CHARLES N. FELTON.

The Senate having under consideration the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States—

Mr. FELTON said:

Mr. PRESIDENT: I first desire to say that I am in accord with what the Senator from Oregon has just said in regard to the importance of passing some measure at this time. It is evident that very able Senators upon this floor and lawyers disagree as to whether the existing law expires on the 6th of next May or two years thereafter; but I in no way agree with the Senator from Oregon in his last remark. I think it is better for all that whatever legislation we have at this time ought to be the best legislation we can get that will exclude these people, and as an evidence of why I desire it I propose to submit some remarks.

Mr. President, I approach this discussion with reluctance, conscious of the fact that there exists a sentiment among worthy citizens who, having little or no practical knowledge of this subject, are opposed to their exclusion, and as in past Congresses, this question has been very ably discussed, I can hope to add but little for your consideration; and, therefore, should have remained silent, but for the fact that I represent, in part, a constituency who have suffered from the evils of Mongolian immigration for over a third of a century, and who have learned by bitter experience the great economic and moral objections to the incoming of this people.

This question is political, social, and economic. It is a question of civilization, and we of the Pacific coast would preserve ours, the Western type, and not submit to the Eastern. To pre-

serve ours we must exclude the other—the Eastern. They will not mingle or fuse, and were this possible the resulting type would have the vices of both without the virtues of either.

The Chinese race, born in the infancy of peoples, has as a race and nation existed for a period of time so vast as to be incomprehensible to the human intellect.

While the races of the West have come and gone, leaving scarcely an imprint to mark their existence, while they, under ever changing environments, have contended for existence and supremacy, mingled and formed new nations, of higher types and civilization, this single race has come down the ages, in one long, unbroken, undeviating line, uninfluenced by example or contact with the other or Western nations, they are the creation of one environment and unchanged conditions. For 3,000 years before the birth of Christ, and during their existence they have maintained without change the same religion, the same form of government, the same manners, habits, and customs.

A paternal form of government, the earliest known, in which the power of life and death has ever been at the will of the rulers, from the Emperor down to and including the head of families, and trial by peers unknown. Whatever the outward form of religion professed, and though, perhaps, conforming to its pomp and circumstance, the Chinese venerate and worship only the spirits of their ancestors. They are without God, without conscience, without charity, devoid of sympathy and gratitude—fatalists. They are a mighty nation, composing nearly one-half the population of the earth—a race to be feared. They are highly intelligent, with great comprehensive powers, persistent, cunning, patient, born diplomats, painfully industrious, frugal to parsimony—the question with them being not what they need, but what they can do without and sustain life.

Through five thousand years heredity, intensified by isolation, has produced and reproduced their race characteristics until they are concrete; unchangeable, mentally, physically, or morally. And though wherever they go they disseminate vices that kill mentally and physically and transmit their effect to the third and fourth generations, they are more to be feared for their

virtues than their vices; born and innured through centuries to toil and privation there is no competing with them by those born in and accustomed to the requirements of Western civilization, however low the type may be. To do so life would not be worth the having.

Experience has taught us that wherever they are, regardless of disadvantages, that in whatever avenue of industry or labor they engage, they have, without exception, driven forth from thence all competition. They come to us without wealth and absorb ours. True, we have their labor, but its price is sent home to enrich the land of their birth, and thus are we monthly the poorer by millions of dollars that under other immigration would remain in and increase our national wealth. They consume but the minimum, the greater portion of which is imported from their native land, thus again depriving our citizens of the opportunities for labor, as consumption is a prerequisite to production. Their immigrations have been invasions. In no instance have they been welcomed to any country by its inhabitants; but, on the contrary, from their first migration down to the present time they have not only been met with protests, but persecution and bloodshed have been the result.

The history of their early migrations teaches us that though massacred by the tens of thousands and the deportation of the remainder, they have repeatedly returned and endured the same persecution and fate, until now they practically dominate and possess that land.

The history of their emigration to and deportment from the Philippine Islands is a "chapter of persecution," rapine, carnage, and horrors for nearly one hundred years.

There are other notable instances, had I the space to include them.

On our own soil, in this decade, history but repeated itself in the Rock Springs massacre, its perpetrators incited by the same cause, the same spirit, and giving the same reasons for the outrage as were given three hundred years ago. There must be some fundamental reason for these recurrences, and if this people are permitted to further invade us we must expect repetitions.

In all the history of their migration there is no instance of their ever having assimilated with any other race, submitting or conforming to its laws, religion, or customs. Race prejudices and antipathies innate in mankind were too resistant. Change of conditions, however great, has never produced any change in them. They, under all conditions and circumstances, have remained true to their civilization. Wherever they are, they are a people apart, without social intercourse with other races.

Races so dissimilar can not assimilate and hence can not exist together in unity, peace or prosperity—one or the other must survive and the older, the simple, will exhaust the newer and more complex. This is a law of nature, and China, with from six hundred and fifty to seven hundred and fifty millions of people to draw from, if permitted, will possess this land.

In the earlier history of our nation, when society was comparatively simple and our country sparsely settled, our forefathers were imbued with the French theories of "liberty, equality, and fraternity," and declared this land a "refuge for the oppressed and destitute of all nations." They believed that a Democracy, pure and simple, would evolve a high state of civilization, in which all mankind should and would share.

Since which time the great teacher "Experience" has taught us "wisdom," and that the extreme theories of the brotherhood of mankind were inconsistent and impossible with a complex state of society; that other factors than fraternity and benevolence were necessary to build up and preserve the nation and its civilization. That the fundamental principle underlying human nature is selfishness—deny it who may—one of self-preservation, "enlightened selfishness," and without which civilization would not have reached its present high type; that to preserve this it was necessary to protect it, not only from bad civilizations, but from the pauper, the criminal, the vagabond, and anarchist elements from whatever source they might come. That an intelligent people was necessary to perpetuate a government "of the people" and rule by public opinion. That to become intelligent both time and means were required for education; that to procure these the laborer must be protected and a more general dif-

fusion of wealth among the masses must be provided, and that by the only possible method, viz, an increase in their wages and the reduction of the hours of labor, now made possible by "natural power, engendered and put forth by material objects," the elements being the motive power directed by the hand of labor, the result a multiplication of production and wealth many fold. That for the creation of wealth the law of supply and demand must operate conjointly, consumption being necessary for production, and that to consume labor must be employed, and, as an economic writer puts it, "to enlarge the social opportunities of the masses."

And hence, in consonance with this new and practical economic sentiment, we have legislated against the importation of the products of cheap labor, we have passed laws against the incoming of the low-price and contract labor of Europe, of paupers, convicts, insane, and vagabonds, and to prevent the influx of the most immoral and the cheapest of all labor, the Mongolian. But our laws are incomplete, they are defective, hence evaded, and, in consequence, do not meet the desired end.

These defects more especially apply to the exclusion of the Chinese; as it is far more difficult, next to impossible, to legislate against a race that has nothing in common with us, but whose interest and sentiment are averse to ours and who have no regard for the sanctity of an oath, than against a race of our own type.

The Chinese have a sovereign contempt for our civilization and no regard for our rights or laws; and when we contemplate that in their veins courses the blood of over fifty centuries, without an alien taint, is it remarkable that they should feel their superiority, and have no respect for our civilization or God, whom they say man killed? They have laws unto themselves; unwritten laws, traditions, which bind and govern them. With them the end justifies the means, and that end, however accomplished, is their migration from an overpopulated and poverty-stricken land—where the struggle for life is so severe that the old, the infirm, the incurable sick, and the female infant are thrown into the gutter to starve and die, as they could not produce but would

consume; where the laws permit of the parents selling their offspring into slavery; where woman is a chattel and supposed to be without a soul; where the punishment for crime includes both the death of the offender and that of all of his relatives over 16 years of age, and by cruel and barbarous methods; where individuals are bitten to death by their fellow-craftsmen for an infringement of their rule—to that Western land where a mixture of the Caucasian race have come, assimilated, and created a free, humane, and enlightened Government and phenomenal wealth.

On the western shores of this continent, in Australasia, and upon the islands of the Pacific Ocean, whose farther waters brake on the shores of the Yellow Sea, have met the tides of immigration which parted company on the plains of Asia at some prehistoric period—the one going East, the other West, and there has commenced the struggle which shall determine which civilization shall predominate—the simple or the complex? And the action taken by us to-day may, and probably will, influence the destiny of a nation for good or evil.

The question now is, shall we exclude this people? And if answered in the affirmative, then we must ignore all sentimentality and technicalities and, without delay, by direct methods exclude.

But some say to do so, granting the necessity, would be violating treaty obligations. In this I do not agree with them. As it is contended by the highest authorities on international law, and as the highest tribunal in our land has decided that under our Constitution treaties and statutes are alike the laws of the land, and hence the latest act of the treaty or legislative making power must prevail over any previous act, it follows that a Federal statute contrary to a provision of a treaty necessarily repeals that portion of the treaty. And as a treaty, under the law and usages of nations, is simply an agreement between two or more powers for their mutual advantage and depends for its duration and validity upon equity. (Most treaties from their very nature are transitory.) Where conditions change and that which was intended to be mutual and equitable proves to be the reverse and either party is injured thereby,

treaties naturally are and should be modified or ignored in the interests of justice and national safety.

Says one high authority on international law:

A treaty pernicious to the state is null, and not at all obligatory, as no conductor of a nation has the power to enter into engagements to do such things as are capable of destroying the state for whose sake the government is intrusted to him.

Says the same writer:

The nation itself, being necessarily obliged to perform everything required for its preservation and safety, can not enter into engagements contrary to its indispensable obligations.

Another uses the words:

A total change of the circumstances renders a treaty no longer obligatory.

And a very able lawyer and writer says:

It is not to be permitted that the liberties, the prosperity, the evolution and development of nations should be arrested by the weight of unchangeable treaties, which, under verbal forms, might place the industries and the social and political interests of a country in jeopardy.

Such conditions now exist between the Governments of the Empire of China and the United States by reason of the Burlingame treaty.

The effect of this treaty has been and is anything but mutual or equitable. While a portion of her race occupy our soil we are practically prevented from entering the "Flowery Kingdom" for either pleasure or profit. While we have, say, two hundred thousand of this people in the United States, there are less than eleven hundred Americans, all told, in China. They are absorbing our substance and returning no equivalent for the same. Our civilization is threatened; our industries paralyzed wherever they appear; our labor driven from employment; our women and children prevented from earning their bread; they have arrayed section against section; have and are disturbing the peace and prosperity of the land. Their presence means ruin to our laboring classes, and hence greatly complicates the labor question, fast becoming a high political one, and one that confounds the ablest thinkers—hence these very conditions have rendered the treaty nugatory.

Article 5 of this treaty has strikingly shown the want of statesmanship by those who negotiated and accepted it. It has proved

to be not only unwise, but an outrage upon the social and material interests of the whole nation. I quote it:

Cordially recognizes the inherent and inalienable right of man to change his home and allegiance and also the mutual advantages of the migration and emigration of their citizens and subjects, respectively, from the one country to the other for purposes of curiosity, of trade, or as permanent residents.

The advantages of this section have almost wholly inured to the benefit of the Chinese; but, conceding the principle, is not the right to prevent for cause inherent? Otherwise it would be illogical and absurd.

This article also contains a proviso that certain laws shall be passed by both the contracting powers concerning the forced immigration of coolies and making it a penal offense, viz:

For a citizen of the United States or Chinese subject to take Chinese subjects either to the United States or any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country, without their free and voluntary consent, respectively.

In pursuance of which the United States enacted stringent laws for the carrying out of that provision. China, however, has utterly failed and neglected to pass such a law or to take any effective steps to prevent emigration under contract and by compulsion, and it is a well-known fact that there are many instances where this provision has been ignored; where Chinese subjects have been sold for a certain period to labor, and some for vilest purposes, have been compelled to emigrate and fulfill their contract. I think it is within the truth to say that 50 per cent of those here came in violation of this article and of our contract-labor law. (I have a copy of a contract, authenticated by a minister of the gospel, which I would append to my remarks were it not too indecent for publication.)

China has committed a flagrant violation of this most important provision of the treaty.

Article 6 in effect provides, that while "the United States grants to the Chinese the right of access, of travel, trade, or permanent residence," in any and all parts of our country, without restriction, China only grants to the citizens of the United States simply the right to reside in certain seaports beyond the precincts of which they are not permitted to go under pains and penalties.

Under these conditions, that is, the utter inequality of this treaty, its injustice to the American people, the violation by the Chinese of its most essential provisions, to the injury of our moral sentiments, and industries, we should not hesitate to abrogate this treaty and preserve our civilization, our institutions, and people.

Why should we at this time hesitate to exclude? We have already in the passage of the Scott law abrogated a portion of the treaty, and it has been so decided by the highest judicial tribunal in the land.

Mr. President, my objection to the pending bill is that it is practically a reënactment of the present law, which has not and can not answer the end for which it was intended. Its only practical effect has been to turn the tide of this immigration from an American line of steamers to San Francisco to a British line of steamers to Victoria, British Columbia, where the Canadian Government receives \$50 a head for their reception and the United States gains the Chinaman all the same, as it is a notorious fact that their numbers have increased but slightly in Canada, and that they have come over our 3,000 miles of northern border practically whenever they desired. And this measure provides no protection against that illegal invasion. The cost of policing that distance to prevent their incoming renders it impossible.

The substitute which I have offered contains a provision for a system of registration of those now in the country which might be practicable and accomplish the desired end. It certainly is worth a trial.

It perpetrates no indignity or hardship upon those now in this country and entitled to remain, if they are honest. But it will probably prevent the illegal incoming of others by collusion and false oaths.

I also object to the pending bill as it reënacts the "merchant" clause, which provides for the return of this supposed class by certificate.

This provision of the law has proved a fruitful source of fraud,

corruption, and conspiracy, and the evasion of the spirit and intent of the law.

There is no "merchant class" in the sense we use the word; they are traders among themselves and as a rule in a small way. They are of the coolie class (with rare exceptions) and on a par only with the laboring class, and receive no greater consideration, save on account of their wealth, for which the Chinese have the profoundest respect. When the coolie laborer desires to return to his native land, be he a laborer in the field, factory, or household servant, he becomes a merchant by paying into some trading establishment a matter of \$50 or \$100 and departs for his native land.

If he shall desire to return he is provided with the certificate for that purpose; if not, he sells it to one of his kind, posts him in regard to localities, and when he comes he presents his certificate, and if his identity (which is exceedingly difficult to determine) is questioned, he unhesitatingly commits perjury, is set free, by the "sacred habeas corpus" writ (a process unknown in Asia), and when the time set to determine his identity shall have arrived he has disappeared, leaving only an utterly worthless bond made acceptable under the law by the false oaths of his bondsmen.

Sir, I would prevent the shame and outrage of these daily impositions upon our people and their demoralizing influence.

From whence emanates this sentiment of opposition to their exclusion? Can it be possible that in this land of intelligence and plenty that this opposition should be instigated by the sordid motives of a few that prefer immediate gain to the perpetuity of our civilization and institutions, the peace and prosperity of the masses of our people? Is this objection from a commercial standpoint? If so, let me inform those high-minded patriots, with a lively appreciation of their own interests, that they know nothing of the character of this race. The Chinese do not now nor will they purchase from any source anything whatsoever that they can do without; they will purchase from the cheapest source; they will sell to us all they have, if we will pay for it, for the reason that they are confronted with conditions that

compel them to do so. To do otherwise would mean their starvation.

Mr. President, the people of the Pacific coast do not desire to maltreat, to persecute, or to deport the Chinese now within our borders. They recognize their rights under the treaty to remain and enjoy them until they voluntarily leave, and hence do not desire to interfere with them. But we would and will, if possible, prevent the further incoming of this race or the return of those who shall voluntarily leave.

We would have this nation follow nature's laws and integrate a higher type of our civilization, one more distinct, special, more American, and would protect its evolution from all danger, real or threatened. We would first take care of ourselves, recognizing that in so doing we were making our "greatest contributions to the welfare of humanity."

In other words, Mr. President, we would not permit the purity and sweetness of our national waters to be contaminated or polluted by the mingling of its pure streams with the impure from any source whatsoever. We would first use of them whatever portion we require and then permit them to flow on and to the fullest extent possible purify the noxious streams of less fortunate conditions

