PEACE, AMITY, AND COMMERCE

Treaty signed at Washington July 28, 1868, supplementing treaty of June 18, 1858
Senate advice and consent to ratification, with amendments, July 24, 1868
Ratified by the President of the United States October 19, 1868
Ratified by China November 23, 1869
Ratifications exchanged at Peking November 23, 1869
Entered into force November 23, 1869
Proclaimed by the President of the United States February 5, 1870
Provisions relating to immigration modified by treaty of November 17, 1880

All provisions continued in force by treaty of October 8, 1903, “except in so far as they are modified by the present Treaty or other treaties to which the United States is a party”

Superseded November 30, 1948, by treaty of November 4, 1946

16 Stat. 739; Treaty Series 48

ADDITIONAL ARTICLES TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE TA-TSING EMPIRE OF THE 18TH OF JUNE, 1858

Whereas since the conclusion of the treaty between the United States of America and the Ta-Tsing Empire (China) of the 18th of June, 1858, circumstances have arisen showing the necessity of additional articles thereto, the President of the United States and the august sovereign of the Ta-Tsing

1 The treaty was originally signed July 4, 1868. The Senate resolution of advice and consent to ratification contained the following amendments, which were incorporated in a new engrossed text signed July 28, 1868:

Art. V: after the words “United States” where they occur the second time, insert or Chinese subjects.

Art. V: After the words “Chinese subject”, insert or citizen of the United States.

Art. VI: At the end, insert But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

Art. VII: Delete. [Art. VII reads as follows: “The United States and the Emperor of China recognizing in the present progress of nations a favorable tendency towards a unity of civilization, and regarding a unity of mind and a unity of weights and of measures as favorable to that great object, do hereby agree that they will use their influence and efforts to obtain the establishment by the general agreement of nations of representative

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Empire have named for their plenipotentiaries, to wit: the President of the United States of America, William H. Seward, Secretary of State, and his Majesty the Emperor of China, Anson Burlingame, accredited as his Envoy Extraordinary and Minister Plenipotentiary, and Chih-Kang and Sun Chia-Ku, of the second Chinese rank, associated high envoys and ministers of his said Majesty, and the said plenipotentiaries, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following articles:

**ARTICLE I**

His Majesty the Emperor of China, being of the opinion that, in making concessions to the citizens or subjects of foreign Powers of the privilege of residing on certain tracts of land, or resorting to certain waters of that empire for purposes of trade, he has by no means relinquished his right of eminent domain or dominion over the said land and waters, hereby agrees that no such concession or grant shall be construed to give to any Power or party which may be at war with or hostile to the United States the right to attack the citizens of the United States or their property within the said lands or waters; and the United States, for themselves, hereby agree to abstain from offensively attacking the citizens or subjects of any Power or party or their property with which they may be at war on any such tract of land or waters of the said empire; but nothing in this article shall be construed to prevent the United States from resisting an attack by any hostile Power or party upon their citizens or their property. It is further agreed that if any right or interest in any tract of land in China has been or shall hereafter be granted by the Government of China to the United States or their citizens for purposes of trade or commerce, that grant shall in no event be construed to divest

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coins having a common value and also a common standard of weights and measures for all countries.

Art. VIII. Delete and insert the following: Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the government of China, and reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The citizens of the United States may freely establish and maintain schools within the empire of China at those places where foreigners are, by treaty, permitted to reside and, reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States. [The deleted text reads as follows: "The United States freely agrees that Chinese subjects shall, without hindrance on account of their nationality or religion, be admitted to all schools, colleges and other public educational institutions, without being subject to any religious or political test. And on the other hand His Majesty the Emperor of China agrees that citizens of the United States may freely establish and maintain schools in that Empire at those places where foreigners are by treaty permitted to reside."]

The Senate amendments were incorporated in a new engrossed text which was signed on July 28, 1868.

2 TS 49, post, p. 685.
3 TS 430, post, p. 704 (art. XVII).
4 TIAS 1871, post, p. 761.

the Chinese authorities of their right of jurisdiction over persons and property within said tract of land, except so far as that right may have been expressly relinquished by treaty.

ARTICLE II

The United States of America and His Majesty the Emperor of China, believing that the safety and prosperity of commerce will thereby best be promoted, agree that any privilege or immunity in respect to trade or navigation within the Chinese dominions which may not have been stipulated for by treaty, shall be subject to the discretion of the Chinese Government and may be regulated by it accordingly, but not in a manner or spirit incompatible with the treaty stipulations of the parties.

ARTICLE III

The Emperor of China shall have the right to appoint consuls at ports of the United States, who shall enjoy the same privileges and immunities as those which are enjoyed by public law and treaty in the United States by the consuls of Great Britain and Russia, or either of them.

ARTICLE IV

The twenty-ninth article of the treaty of the 18th of June, 1858, having stipulated for the exemption of Christian citizens of the United States and Chinese converts from persecution in China on account of their faith, it is further agreed that citizens of the United States in China of every religious persuasion and Chinese subjects in the United States shall enjoy entire liberty of conscience and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead of whatever nativity or nationality shall be held in respect and free from disturbance or profanation.

ARTICLE V

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free 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 high contracting parties, therefore, join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offence for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to 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.
Article VI

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation, and, reciprocally, Chinese subjects visiting or residing in the United States, shall enjoy the same privileges, immunities and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

Article VII

Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the government of China, and reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside, and, reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States.

Article VIII

The United States, always disclaiming and discouraging all practices of unnecessary dictation and intervention by one nation in the affairs or domestic administration of another, do hereby freely disclaim and disavow any intention or right to intervene in the domestic administration of China in regard to the construction of railroads, telegraphs or other material internal improvements. On the other hand, his Majesty, the Emperor of China, reserves to himself the right to decide the time and manner and circumstances of introducing such improvements within his dominions. With this mutual understanding it is agreed by the contracting parties that if at any time hereafter his imperial Majesty shall determine to construct or cause to be constructed works of the character mentioned within the empire, and shall make application to the United States or any other Western Power for facilities to carry out that policy, the United States will, in that case, designate and authorize suitable engineers to be employed by the Chinese Government, and will recommend to other nations an equal compliance with such application, the Chinese Government in that case protecting such engineers in their persons and property, and paying them a reasonable compensation for their service.

In faith whereof the respective Plenipotentiaries have signed this treaty and thereto affixed the seals of their arms.
Done at Washington the twenty-eighth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

William H. Seward
Anson Burlingame
Chih-Kang [ideographic signature]
Sun Chia-Ku [ideographic signature]
Congress of the United States, At the First Session,
Begun and held at the CITY OF WASHINGTON, in the DISTRICT OF COLUMBIA, on Monday, the Fifth day of December, eighteen hundred and eighty-two.

To execute certain treaty stipulations relating to Chinese laborers.

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 next after the passage of this act, and until the expiration of six years next after the passage of this act, the coming of Chinese laborers to the United States and the same, 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.

Sec. 2. That the master of any vessel who shall knowingly bring within the United States or such vessel or lands or premises 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 to each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

Sec. 3. That the two preceding sections shall not apply to 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 who shall produce

"An act to execute certain treaty stipulations relating to the Chinese, May 6, 1882; Enrolled Acts and Resolutions of Congress," 6 May 1882. Courtesy of National Archives
Chinese Exclusion Act, May 6, 1882 (Pg.2)

“An act to execute certain treaty stipulations relating to the Chinese, May 6, 1882; Enrolled Acts and Resolutions of Congress,” 6 May 1882. Courtesy of National Archives
A PROCLAMATION

To the People of Iowa:

Whereas, our country is engaged in war with foreign powers; and,

Whereas, controversy has arisen in parts of this state concerning the use of foreign languages:

Therefore, for the purpose of ending such controversy and to bring about peace, quiet and harmony among our people, attention is directed to the following, and all are requested to govern themselves accordingly.

The official language of the United States and the state of Iowa is the English language. Freedom of speech is guaranteed by federal and state Constitutions, but this is not a guaranty of the right to use a language other than the language of this country—the English language. Both federal and state Constitutions also provide that “no laws shall be made respecting an establishment of religion or prohibiting the free exercise thereof.” Each person is guaranteed freedom to worship God according to the dictates of his own conscience, but this guaranty does not protect him in the use of a foreign language when he can as well express his thought in English, nor entitle the person who cannot speak or understand the English language to employ a foreign language, when to do so tends, in time of national peril, to create discord among neighbors and citizens, or to disturb the peace and quiet of the community.

Every person should appreciate and observe his duty to refrain from all acts or conversation which may excite suspicion or produce strife among the people, but in his relation to the public should so demean himself that every word and act will manifest his loyalty to his country and his solemn purpose to aid in achieving victory for our army and navy and the permanent peace of the world.

If there must be disagreement, let adjustment be made by those in official authority rather than by the participants in the disagreement. Voluntary or self-constituted committees or associations undertaking the settlement of such disputes, instead of promoting peace and harmony, are a menace to society and a fruitful cause of violence. The great aim and object of all should be unity of purpose and a solidity of all the people under the flag for victory. This much we owe to ourselves, to posterity, to our country and to the world.

Therefore, the following rules should obtain in Iowa during the war:
First. English should and must be the only medium of instruction in public, private, denominational or other similar schools.

Second. Conversation in public places, on trains and over the telephone should be in the English language.

Third. All public addresses should and must be in the English language.

Fourth. Let those who cannot speak or understand the English language conduct their religious worship in their homes.

This course carried out in the spirit of patriotism, though inconvenient to some, will not interfere with their guaranteed constitutional rights and will result in peace and tranquility at home and greatly strengthen the country in battle. The blessings of the United States are so great that any inconvenience or sacrifice should willingly be made for their perpetuity.

Therefore, by virtue of authority in me vested, I, W. L. Harding, Governor of the state of Iowa, commend the spirit of tolerance and urge that henceforward the within outlined rules be adhered to by all, that petty differences be avoided and forgotten, and that, united as one people with one purpose and one language, we fight shoulder to shoulder for the good of mankind.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa.

Done at Des Moines, this twenty-third day of May, 1918.

By the Governor:

W. L. Harding

Secretary of State.
Hearing on
H.R. 2816 - Refugee Legislation

THURSDAY, MAY 24, 1979

U. S. House of Representatives,
Committee on the Judiciary,
Subcommittee on Immigration, Refugees,
and International Law,
Washington, D. C.

The subcommittee met at 10:45 a.m. in room 2237 of the
Rayburn House Office Building; the Honorable Elizabeth Holtzman,
chairperson of the subcommittee, presiding.

Present: Representatives Holtzman, Harris, Fish, Butler,
and Lungren.

* * *

Reporters, Inc.

Courtesy of State Historical Society of Iowa, 24 May 1979
Ms. Holtzman. The subcommittee will commence the final day of hearings on legislation that I, along with Chairman Peter Rodino, have introduced on behalf of the Carter administration.

We are very proud today to hear from several state governments and, in particular, the governor of Iowa, the Honorable Robert Ray, who will be accompanied by a representative of Michigan's governor, the Honorable William Milliken.

I would like to congratulate Governor Ray on what I understand is a very successful refugee resettlement program in Iowa, and his active involvement in the program.

Clearly the success of the effort depends in large part on the leadership and personal initiative of the governor and his staff, as well as those responsible in the various resettlement communities.

I hope this legislation will serve to establish more permanent legislation to ensure more successful resettlement and better cooperation between federal and state governments.

We now invite Governor Ray to come forward. We understand Congressman Jim Leach will introduce him to the committee.

Congressman Leach, we are very pleased to have you here.
STATEMENT OF HONORABLE ROBERT D. RAY, GOVERNOR OF IOWA; accompanied by JOYCE SAVAILE, JAMES JORDAN, SPECIAL ASSISTANT TO HONORABLE WILLIAM G. MILLIKEN, GOVERNOR OF MICHIGAN, and KENNETH QUINN.

Mr. Leach. Thank you.

Madam Chairwoman, I am very pleased to introduce to the subcommittee Governor Ray. Iowa has the most comprehensive and probably successful refugee program of any state in the country. This past January I had the privilege to visit Northeast Thailand and met many of those from whose groups the majority of refugees in Iowa come. I visited particularly five or six families who were making final preparations to come to Iowa.

On behalf of the state and governor, I conveyed to these families our respect for their goals and the state of Iowa's desire to help. I will never forget the statement of one of the leaders who said, "Yes, Governor Ray, I hear good things about him from my cousin in Des Moines."

I would like to stress that people around the world are hearing good things about Governor Robert Ray. He is the senior elected administrative leader in America today. He's combined a unique blend of fiscal conservatism with basic human compassion.

Not only has he taken the lead in the governors' conferences in the refugee issue, he's taken the lead on the
Iowa Governor Robert Ray’s Congressional Hearing Testimony about Refugee Legislation, May 24, 1979 (Pg.4)

governors’ conference on the D.C. voting rights bill.

We feel strongly that we should not have a disenfranchised
group of people in this country.

We should also have a country where people are welcome.

This is a country of immigrants.

With that, I would like to introduce Governor Ray.

Mr. Holtzman. Thank you very much, Congressman Leach.

Governor Ray, we are again very happy to have you here and to hear your testimony.

Governor Ray. Madam Chairwoman, thank you very much.

Jim Leach, thank you. It is very generous, your comments.

I am pleased to have this opportunity to come before you today to comment on H.R. 2015, a bill to revise this country’s refugees policy and to provide you with some information about Iowa’s refugee resettlement program.

I would like to introduce to you those who are accompanying me today.

First, to my right and to your left, is Mr. James Jordan, who is the executive assistant to Governor William Milliken of Michigan. Mr. Jordan is here as a personal representative of Governor Milliken, and with your permission would like to read a statement from the governor on this particular issue following my testimony.

To my left, on the other side of Congressman Leach, is Mr. Kenneth Quinn, a career Foreign Service Officer assigned
to my office under the Pearson Program. Mr. Quinn worked on the
refugee program while serving at the National Security Council
and State Department, and now acts as my principal staff
representative on this subject.

Colleen Shearer, who is the head of the Iowa Department
of Job Services and Director of the Iowa Refugee Service
Center, had planned to be with me today, but was unable to
be present. Ms. Shearer has been the driving force behind
the Iowa program since its inception in 1975.

At the outset, I want to state unequivocally that I
attach great importance to the work in which you are involved.

The plight of the people fleeing Communism in Indochina
is truly a momentous question facing the Congress and the
American people. Human lives are at stake. Already hundreds,
if not thousands -- the majority women and children -- have
perished at sea.

Our need to come to the aid of these people is the main
reason I come before you today. Our response to this problem
will to a large degree determine whether more lives are lost
or saved.

I fully realize that you, Madam Chairwoman, and the
members of this committee are acutely aware of the gravity of
this issue. The concern you and Representative Fish exhibited
for the plight of these unfortunate people and your efforts
to discern the level of their suffering during your recent
trip to Southeast Asia are well known to many of us.

I also believe it is important for your committee to have
input from the states on the matter of refugee resettlement.

For, while it is the President and the Attorney General who
decide to admit the refugees, and the Congress that appropriates
the money to move them here, it is ultimately the states which
receive them.

We -- and here I am referring to both the public and
private sectors -- are responsible for educating, employing
and caring for them. We therefore have accumulated a great deal
of experience which should be useful to you in your deliberations.

With that in mind, let me turn to our experiences in
Iowa and briefly outline the history and direction of our
program. The story of refugee resettlement in Iowa began in
July 1975 when the administration in Washington indicated
that refugees were not being resettled as quickly as they
were moving into camps.

President Ford asked the nation's governors what we
might do to aid in this process. We determined that we could
be of help and I decided that the state of Iowa would become
a primary agency for resettlement and authorized our entry
into a contract with the State Department.

The next step was to locate the refugees to come to
Iowa. Through Iowans working in one of the refugee camps,
we learned of a community of people -- perhaps a tribe would
be a better word -- known as the Tai Dam or Black Tai. There
were approximately 1400 of these mountain people who had lived
in the highlands of Vietnam and China for generations, but who
had fled to Laos in 1954 after the Communist takeover of
Hanoi.

After careful consideration we decided we would bring
the Tai Dam to Iowa. By accepting them as a group -- what is
referred to as a cluster resettlement -- we hoped to achieve
several goals:

First, we felt the Tai Dam's cultural heritage and social
structure could be preserved if they were resettled in one
area. Otherwise, they faced dispersal to all parts of the
United States with little chance of maintaining their identity.

Secondly, keeping their ethnic and tribal structure
intact, we felt, would provide a mutually reinforcing support
system as the refugees made the difficult adjustment to a
new culture.

I am happy to report to you that both of those goals were
achieved and the resettlement of the Tai Dam has been beyond
expectation. These people have become productive,
contributing members of our society, paying taxes and earning
their own way. A survey recently conducted indicated that
over one-third of the families are purchasing their own homes.
There has been little need for welfare assistance and all
seeking work are gainfully employed.

We are pleased with this record and I would like to take just a moment to outline some of the salient points which contributed to it.

Great credit for this performance must go to the sponsors, those Iowans who voluntarily came forward to accept the moral commitment of helping a refugee family start anew. Without their selfless devotion and giving, this would not have been possible. The sponsors were and remain the first crucial ingredient in any resettlement effort.

A second factor on which I place considerable emphasis is the "job orientation" we gave to the refugee program. As I mentioned earlier, Ms. Shearer, the director of the Iowa program, is also the head of our Department of Job Service. We have endeavored to establish close ties between these agencies.

For example, we have hired specialists to work both in our Refugee Service Center and in the Job Service Department to counsel the refugees on employment and to help them find jobs.

This linkage has been invaluable in creating a work climate rather than a welfare climate, as I understand has occurred in many other areas.

I cannot overemphasize the importance I attach to inculcating these new arrivals with a work ethic -- not really hard to do, inasmuch as that has been their custom in
the past. But like anyone else, they are susceptible to the
pernicious temptation of something for nothing. We cannot
claim 100 percent effectiveness, but our low cash assistance
figures for the Tai Dam over the past four years testifies
to the efficacy of this approach.

A third factor in our success has been the outreach work
done by the caseworkers of our Refugee Service Center. Once a
refugee is transferred to his or her sponsor, we do not consider
our obligation ended.

In fact, we considered follow-up to be an essential
part of the resettlement process. By maintaining this
relatively small and inexpensive office, the refugee knows he or
she always has a place to turn for help and assistance, if
needed; and we have a way of following that person's progress
and the capability to step in with guidance and counseling,
should that need arise.

I would be remiss if I did not also mention at this
point the valuable work being done in Iowa, and across the
country, by the voluntary agencies who have resettled the
majority of the refugees in the country. We enjoy a close
working relationship with these groups who have done so much
for the refugee program.

Finally, of course, we must recognize the refugees
themselves. They are the ones who must struggle to make
the adjustment. They are the ones who must work the long hours
mostly at entry level wages. They are the ones who must
endure the difficulties that all immigrants undergo. In the
final analysis, our success is their success, and vice versa.

It was based on this initial success that we considered
taking further action last December to assist the "boat
people" who were fleeing Vietnam in increasing numbers by sea,
often in frail boats unsuited for such an arduous journey.
Because the refugees were arriving at a far faster rate
than we and other free world countries were accepting them,
local Malaysian officials began pushing boats back out to sea.

Some of them broke up under the merciless pounding of
the waves and in one short period over 400 people drowned.
Thousands of others -- the lucky ones -- are languishing in
camps such as the little strip of sand beach at Pilau
Bidong, which has been dubbed the "Island of the Hopeless."
This suffering was brought vividly home to me in a
television documentary prepared by CBS newsmen Ed Bradley
which aired on January 16.

After watching it, I saw that we really only had
two choices: we could either turn our backs as countless
others suffered and died, or we could extend a hand to help,
and in so doing prevent tragic loss of innocent lives.

Actually, I saw only one real choice. I wrote to
President Carter January 17, informing him that Iowa would
resettle an additional 1500 refugees during this year. In this
1.18 Iowa English language reaffirmation.
   1. The general assembly of the state of Iowa finds and declares the following:
      a. The state of Iowa is comprised of individuals from different ethnic, cultural, and linguistic backgrounds. The state of Iowa encourages the assimilation of Iowans into Iowa’s rich culture.
      b. Throughout the history of Iowa and of the United States, the common thread binding individuals of differing backgrounds together has been the English language.
      c. Among the powers reserved to each state is the power to establish the English language as the official language of the state, and otherwise to promote the English language within the state, subject to the prohibitions enumerated in the Constitution of the United States and in laws of the state.
   2. In order to encourage every citizen of this state to become more proficient in the English language, thereby facilitating participation in the economic, political, and cultural activities of this state and of the United States, the English language is hereby declared to be the official language of the state of Iowa.
   3. Except as otherwise provided for in subsections 5 and 6, the English language shall be the language of government in Iowa. All official documents, regulations, orders, transactions, proceedings, programs, meetings, publications, or actions taken or issued, which are conducted or regulated by, or on behalf of, or representing the state and all of its political subdivisions shall be in the English language.
   4. For the purposes of this section, “official action” means any action taken by the government in Iowa or by an authorized officer or agent of the government in Iowa that does any of the following:
      a. Binds the government.
      b. Is required by law.
      c. Is otherwise subject to scrutiny by either the press or the public.
   5. This section shall not apply to:
      a. The teaching of languages.
      b. Requirements under the federal Individuals with Disabilities Education Act.
      c. Actions, documents, or policies necessary for trade, tourism, or commerce.
      d. Actions or documents that protect the public health and safety.
      e. Actions or documents that facilitate activities pertaining to compiling any census of populations.
      f. Actions or documents that protect the rights of victims of crimes or criminal defendants.
      g. Use of proper names, terms of art, or phrases from languages other than English.
      h. Any language usage required by or necessary to secure the rights guaranteed by the Constitution and laws of the United States of America or the Constitution of the State of Iowa.
      i. Any oral or written communications, examinations, or publications produced or utilized by a driver’s license station, provided public safety is not jeopardized.
   6. Nothing in this section shall be construed to do any of the following:
      a. Prohibit an individual member of the general assembly or officer of state government, while performing official business, from communicating through any medium with another person in a language other than English, if that member or officer deems it necessary or desirable to do so.
      b. Limit the preservation or use of Native American languages, as defined in the federal Native American Languages Act of 1992.
      c. Disparage any language other than English or discourage any person from learning or using a language other than English.

109TH CONGRESS
1ST SESSION
H. R. 4317

To enforce the numerical limits Congress has placed on immigration.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 11, 2005

Mr. WELDON of Florida (for himself, Mr. PETERSON of Minnesota, Mrs. MYRICK, Mr. PENCE, Mr. ISSA, Mr. GUTFENBICH, Mr. GOODE, Mr. SHADEGOG, Mr. PITTS, Mr. GINGRAT, Mr. KING of Iowa, Mr. FEENY, Mr. BARTLETT of Maryland, Mr. HEINSARLING, and Mr. WESTHOEKLAND) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To enforce the numerical limits Congress has placed on immigration.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Truth in Immigration
5 (TRIM) Act”.
6 SEC. 2. ANNUAL REPORT ON THE ILLEGAL ALIEN POPU-
7 LATION.
8 (a) Annual Report.—

(1) IN GENERAL.—The Secretary of Homeland Security shall annually report to the Congress on the number of aliens, listed by country of last known habitual residence, who are estimated to be unlawfully residing in the United States as of August 31 of the year in which the report is submitted.

(2) DETAIL.—The Secretary shall provide the greatest degree of detail that is feasible in making the determination described in paragraph (1).

(3) DEADLINE.—The Secretary shall transmit each report required by this subsection to the Congress not later than September 31 of each year, beginning with the first September 31 that occurs after the date of the enactment of this Act.

(b) REVIEW.—The Comptroller General of the United States shall conduct a review each year of the Secretary’s methodology, data, and conclusions to ensure that they represent the best available data and practices and are consistent from year to year. The results of such review shall be transmitted to the Congress not later than 60 days after the date on which the Secretary’s report was transmitted.
SEC. 3. ENFORCING NUMERICAL LIMITS ON IMMIGRATION.

Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended by adding at the end the following:

"(f) REDUCTIONS TO ACCOUNT FOR ILLEGLY RESIDENT POPULATION.—

"(1) IN GENERAL.—

"(A) REDUCTION.—Notwithstanding any other provision of law, and except as provided in subparagraph (B), the total per country level of legal immigration determined under this section for each country shall be reduced by one-half of the number of illegal aliens from that country who were residing in the United States as of August 31 of the preceding fiscal year.

"(B) LIMITATION.—Notwithstanding subparagraph (A), no reduction under such subparagraph with respect to any single foreign state or dependent area may exceed one-half of the total per country level of legal immigration that otherwise would apply under this section for any fiscal year.

"(2) ORDER OF REDUCTIONS.—In carrying out the reduction required by paragraph (1), the Secretary of State and the Secretary of Homeland Secu-
rity shall reduce from immigrant categories in the following order:

"(A) Diversity lottery winners, if any, described in section 203(c).

"(B) Brothers and sisters of citizens described in section 203(a)(4).

"(C) Married sons and married daughters of citizens described in section 203(a)(3).

"(D) Unmarried sons and unmarried daughters of permanent resident aliens described in section 203(a)(2)(B).

"(E) Unmarried sons and daughters of citizens described in 203(a)(1).

"(F) Skilled workers, professionals, and other workers described in section 203(b)(3).

"(G) Special immigrants described in section 203(b)(4).

"(H) Aliens who are members of the professions holding advanced degrees or aliens of exceptional ability described in section 203(b)(2).

"(I) Priority workers described in section 203(b)(1).

"(J) Employment creation described in section 203(b)(5).
“K” ‘K’ special immigrants described in section 203(b)(6).

“(L) Spouses and children of permanent resident aliens described in section 203(a)(2)(A).

“(M) Aliens not subject to quotas described in section 201(b).

“(3) NOT AVAILABLE IN ANY OTHER YEAR.—
Reductions made under this subsection with respect to a fiscal year shall not be re-allocated to any other category or individual and shall not be used in determining the availability of immigrant visas in any other fiscal year.”.

Courtesy of Library of Congress
Sewing Class for Refugee Students in Mt. Ayr, Iowa, 1918

STATE of IOWA

A PROCLAMATION

To the People of Iowa:

Whereas, on the 23d day of May, 1918, the undersigned, by virtue of authority in him vested as Governor of Iowa, issued a proclamation directing attention to the duty of all citizens during the progress of the war to "refrain from all acts and conversations which might excite suspicion and strife among the people," and requesting every person to "so demean himself that every word and act would manifest his loyalty to his country and his solemn purpose to aid in achieving victory for our Army and Navy and the permanent peace of the world," and declaring "the great aim and object of all should be unity of purpose and a solidarity of all the people under the flag for victory;" and

Whereas, to accomplish these purposes, it was proclaimed that certain rules should obtain, which were in substance that the English language should be employed as the medium of instruction in all schools, in conversation in public places and over telephones, and in public addresses, which, as was said, would "result in peace and tranquility at home and greatly strengthen the country in battle," and suggesting that the blessings of our country were so great "that any inconvenience or sacrifice should willingly be made for their perpetuity;" and

Whereas, the terms of the armistice joined in by all the belligerent powers preclude the resumption of war, the authority for issuing the rules laid down in the proclamation no longer continues as a war grant power;

Now, Therefore, in order to avoid any misunderstanding, notice is hereby given that said rules set out in the proclamation of May 23d, 1918, are no longer in force as an executive order.

The people generally throughout the state are to be commended for patriotically conforming with the spirit and purpose of the proclamation even though it involved some inconvenience or modification of custom.

The necessity for the solidarity of our people has been demonstrated to every American citizen during the war as never before. National unity can be best maintained by the employment of a common vehicle of communication, and this vehicle in the United States, by reason of custom and law, is the English language. This does not mean that a citizen should be able to speak no other language. It does mean, however, that though he be conversant with
another language or languages he should be able to make efficient use of the official language of the country and should use the same.

Further, the English language should be the only medium of instruction in all schools of the state, whether public, private, denominational or otherwise, and no foreign language should be taught in any school of grade lower than the high school, and if taught it should be as a culture and not as a medium of instruction for other subjects.

While we welcome enlightened and thrifty people to our shores and to all the advantages of free institutions under our representative form of government, this is not with the view, and should not be so interpreted, of enabling them to establish themselves in communities by themselves and thereby maintaining the language and customs of their former country. All should understand that they are welcome to come, but for the purpose of becoming a part of our own people, to learn and use our language, adopt our customs, and become citizens of our common country.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa.

Done at Des Moines, this fourth day of December, 1918.

By the Governor:

W.S. Allon
Secretary of State.
“Demand Return Fare for Mexican Labor,” Mohave County Miner and Our Mineral Wealth, 31 July 1920.

Courtesy of Library of Congress
Hello! Sahm-by-dee! We promised you a newsletter so here’s the first issue. This one is being written in a hurry because we have just returned from Fort Chaffee, Ark., and we haven’t yet been able to turn our actions to matters beyond the initial resettling efforts of bringing the Tai Dam people into Iowa to their new homes.

We know, however, that you all want to know who is involved and where they are, so the list included at the end of this newsletter will provide you with the names, addresses and phone numbers of sponsors and refugees.

We’ve all been involved in the most heart-warming, human endeavor of our lives — and yet I know there are many difficulties.

Please call us on the toll-free phone (1-800-362-2780) to seek help, to pass on information, or just to talk. If any emergencies arise at night or on weekends and holidays, feel free to contact the Task Force members at their homes. Our numbers are as follows:

Colleen Shearer - 515/989-0313
Jill Guzz - 515/282-3581
Dick Freeman - 515/265-8485
Jack Speer - 515/225-1838
Somsak Saychongphet - 515/288-1144
Cam Lynh - 515/280-7321
(To the Tai Dam people: Remember that long-distance phone calls cost money. Always try to call us during the day at 1-800-362-2780 because that will cost nothing to you or to your sponsor.)

I'm sure you know of our fervent wish that all the plans to provide you with help were already accomplished. We are working many hours of our own time each week to bring this about — and we will continue to do so. But, try to remember that there are few of us and many of you and that we may not be able to attend to all of your needs as quickly as we all would like. We rely on you to let us know!

Regarding education: Unfortunately, the wheels turn slowly in a democratic form of government. Government responds slowly to events that happen quickly. Misinformation tends to perpetuate itself and confusion reigns while rules and regulations are being created. This has been the case in the area of education. Even at the federal level confusion still exists. Sometimes I have the feeling at our local and state levels that it's "every man for himself". The most important information you should know, however, is that, contrary to what you may have heard, the Tai Dam people do qualify for all the educational assistance programs. Tell your school administrators that the school districts do qualify for the $300 per pupil aid. To avoid any problems, tell them to use the designation "Indochinese" instead of "Tai Dam" on all forms they submit to obtain aid.

Cause of State Historical Society of Iowa, 19 December 1975
This is on the advice of an H.E.W. official at Fort Chaffee who just returned from Washington, D.C. with the information.

Regarding medical assistance: Sponsors, if you haven’t already done so, please register your refugee family for Medicaid at your local Department of Social Services county office. Please do not register them for welfare payments and food stamps. As you know, the Task Force plans to stand back of you should emergencies arise until our funds expire. With planning and with efforts to place all employable people in jobs as quickly as possible we are hopeful that not one single Tai Dam family will be on the Iowa welfare roles. The Tai Dam people do not want this any more than we do and our whole approach has been to bring them to self-sufficiency as quickly as possible -- and this means jobs!

Regarding employment: If the employables in your refugee family are not yet employes, and if our local Employment Service office has not yet contacted you -- call them! Let us know what is happening in this vital area so we can respond to your needs.

Regarding follow-up personal visits: In order to get to you all as quickly as possible, we are seeking the aid of the Social Services office nearest each of you. This doesn’t mean it’s a welfare situation. It only means that these people can get to you quickly because they are located geographically close to you.
Examiner's Questions for Admittance to the American (or Know-Nothing) Party,

Examiner to Candidate. Are you a candidate for membership to our order? (I am)

You will place your right hand on this holy emblem.

Obligation. You do solemnly promise declare and swear upon this sacred and holy emblem before Almighty God, and these witnesses, that you will not divulge or make known to any person whatever the nature of the questions I may ask you here, the names of the persons you may see here or that you know, that such an organization is going on as such, whether you become a member of this organization or not.

Will you make me this promise? (I will)

And that you will give and faithfully answer to all the questions I may ask you, as you do to God.

Are you by religious faith a Roman Catholic? (I am not)

Are you born in this country? (I am)

Were either of your parents born of your grand-parents, were any of your ancestors in this country during the Revolution? (I am)

If so:

Are you willing to use your influence to elect to all offices of honor, profit or trust now in the enjoyment of the citizens of the United States to the exclusion of all foreigners, and to absolutely exclude all Roman Catholics, whether of native or foreign birth, regardless of all party preelections whatever?

(Answer I am)
That there, with quivering lip and tongue,
A wretched oath ye take,
Which none but traitors e'er could keep,
But which ye dare not break!

And bind yourselves by lying vows.
Nothing to know that's true;
But anything to aid your plans
With willing hearts to do!

Do ye swear to rob your brother
Of rights that we all prize
More highly than aught other
Possessed beneath the skies?
The right he has of serving God
In ways his conscience calls,
And yet of standing high as then
In Freedom's honored halls!

And swear to spurn from this free land
The stranger weak and worn,
Who seeks, like bird with drooping wing,
Shelter from wind and storm;
Flying to this our far famed shore,
A home for the oppressed;
Will ye thrust him back without just cause,
To seek elsewhere for rest?

Oh, shame, where is thy fondest blush,
When deeds of such dark fame
Are daily done throughout our land
In freedoms ill used names!

And ye, so called Americans,
Profane no more that sound:
Know Nothings fitly are ye called,
Who by such oaths are bound.
CHINESE IMMIGRATION.

SPEECH

OF

HON. JOHN A. KASSON,
OF IOWA,

IN THE

HOUSE OF REPRESENTATIVES,

WEDNESDAY, MARCH 22, 1882.

WASHINGTON.
1882.

Courtesy of State Historical Society of Iowa, Kasson, John, 22 March 1882
The House having under consideration the bill (S. No. 71) to enforce treaty stipulations relating to the Chinese—

Mr. KASSON said:

Mr. Speaker: Several days ago, after a careful reading of this bill, I prepared some amendments which have been printed, and which in my judgment, if adopted, would make this bill infinitely more acceptable to the average judgment of this House and of the country. Those amendments have been printed in connection with this bill, and I propose as briefly as possible to state to the House the objects sought to be accomplished by them. I shall afterward have something to say in answer to what we have just listened to from the gentleman from Maryland, [Mr. McLane.] What, then, is the bill which we take from the Speaker’s table, the Senate bill, and upon which our votes are to be given, and which it is demanded of us to pass in its entirety? The first section suspends all immigration into this country of Chinese laborers for twenty years.

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

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

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

The fifth section provides for the other classes of Chinamen who by the treaty are permitted to come freely to the United States and to return to their own country. As to them (and I beg gentlemen
of the House to observe it) the provision is a system of registration, an express permission from the Chinese Government in each individual case, a passport, and sundry other regulations before they can enjoy the privileges which the treaty says they shall have. And they are to be described and identified by offensive requirements.

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

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

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

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

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

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

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

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

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

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

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

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

This is wrong, this is unjust; it is not within the treaty with China.

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

In dispatch No. 119, March 3, 1876, Mr. Fish says: “This involves the qus—
tion whether one of the parties to a treaty can change and alter its terms or conditions, or attach new conditions to its execution, without the consent of the other; whether an act of Parliament passed in 1870 can change the stipulations or terms of a treaty with the United States of nearly thirty years' standing does not recognize any efficacy in a British statute to alter, modify, or attach new conditions to the executory parts of an existing treaty.

Mr. Fish, in support of his views, quotes Lord Stanley. Her Britannic Majesty’s Secretary of State for Foreign Affairs, in his speech, that “international courtesy demanded that a treaty should not be materially altered without communication with the other party.” In the same debate Lord Cairns, then Attorney-General speaking of proposed legislation with reference to a treaty with France, said: “It proposes to introduce a new ingredient into the bargain, which did not exist at the time the bargain was made, and to introduce it now is simply to break the bargain which the sovereigns had made and Parliament ratified; and to put such words into an act of Parliament which did not exist in the treaty would only be offering a gratu- tuous insult to the foreign power to whom it applied without securing any advantage.”

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

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

The Clerk read as follows:

SEC. 4. That in order to secure the rights of the Chinese laborers mentioned in section 3 of this act, and further to faithfully execute the provisions of the treaty between the United States and the Empire of China ratified July 29, 1861, it shall be the duty of the President of the United States, after consultation with the Government of China, to prescribe the rules and regulations which may be necessary and convenient to secure the identification of Chinese subjects residing in, or proceeding to the United States, according to their classes and rights as provided respectively in articles 1 and 2 of the said treaty. After the promulgation of such regulations any Chinese subject refusing or neglecting to conform thereto shall be regarded as not entitled to the rights and privileges prescribed by articles 1 and 2 of the said treaty, until he shall comply therewith.

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

I do not intend now, sir, to go into detail touching these other amendments. I have only to say there are still some clauses of the bill which tax very heavily the conscience and judgment of many of us who remember the events of the decade from 1860 to 1870. I doubt very much whether the conscience of this country will allow you to fine any citizen of the United States who, from charity or from necessity, may have taken across the Canadian or other frontier into the United States some poor young Chinaman to relieve his wife from household work in his home. I doubt whether “aiding” or “abetting” a single Chinese laborer to come into New York, New England, or Louisiana, is not disproportionately and excessively punished by
the enactments of this bill. It reminds many of us born in the northern part of the country of the time when penalties and imprisonment were imposed upon the man who took care of a poor fugitive slave from the South on his way to a free country, or harbored him for the night or gave him bread by day.

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

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

Mr. KASSON. Certainly.

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

Mr. KASSON. Yes, sir; and I do not want to go back to that infamous system of legislation. [Applause on the Republican side.]

Does the gentleman?

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

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

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

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

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

I ought to say, perhaps, that I am not as absolutely ignorant of the character of this labor and the troubles in California as might be supposed from the fact that I reside near the Mississippi River. On two occasions of prolonged visits in California I have learned what I could of this subject, and have tried to discover what was the evil of this Chinese immigration. At the same time I walked into the Bank of California and I saw behind the counter in a responsible position, as cashier or book-keeper, I forget which, a Chinaman, with his long pig-tail hanging down his back, respected by the presi-

...dent and all the officers of the bank and intrusted with their fullest confidence, as they have long enjoyed that of the American merchants in China. I did not see danger to the peace of my country or the organization of society in that case.

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

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

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

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

Mr. KASSON. Yes, sir.

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

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

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

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

Now, sir, a word upon the spirit of the Chinese Government and its friendly relations toward us. It will justify my demand for a reasonable modification of this bill, while it tends to answer my friend from Maryland, Mr. McLane, who spoke this morning. I ask the Clerk to read the first article of the treaty with China, together with the date, which I have marked.

The Clerk read as follows:

Treaty of peace, amity, and commerce between the United States of America and the Ta-Tung Empire, concluded June 8, 1882.

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

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

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

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

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

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

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

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

That Government of China is the government with which we have to deal. After Confucius, who made a prediction that a new and a better religion would come after him into China, and would come from the west, after his period there was introduced into China from India the religion of Buddha, which now embraces over half its population, and which has fallen in successive generations so low that it has become base material idolatry. In its origin it was

spiritual, highly moral in tone and character, but has degenerated into the wretched idolatrous exercises of which we hear and read to-day.

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

No, sir; it is not a debased empire. Its higher authorities are the peers of European and American statesmen. When you speak of it as a government, it is not a government acting upon low or barbaric principles unworthy of our commendation or respect. There was a famous house of American merchants in Canton at the time of the famous opium war. Ah, do you remember, my colleagues on this floor, when you speak of the comparative "Christianity" of nations, that while China stood with all her worthless armament of battle, but with all her moral power behind it to keep her people from becoming debased and falling into the wretched opium drunkenness which now characterizes the shops of San Francisco, Canton, and other cities; when she sought to prohibit the importation of opium, as temperance men in this country are seeking to prohibit drunkenness from liquors! Your "Christian" nation across the water it was that sent her naval forces to compel China to break down that barrier and admit Indian opium, that the people of that empire might continue in spite of their enlightened government to become beasts, debased at the hand of her "most Christian" Majesty's government.

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

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

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

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

I now yield ten minutes of my time to the gentleman from Michigan, [Mr. Lord.]
Most Iowans Oppose More Boat People

A quiet struggle turns angry as gas threatens workers

GOP hopefuls jockey for Iowa post positions

Bergland: Carter’s loyal, popular trouper

This week, his heart will be in Iowa
"Most Iowans Oppose More Boat People" Des Moines Register Article, September 30, 1979 (Pg.2)
H. Res. 683

In the House of Representatives, U. S.,

June 18, 2012.

Whereas many Chinese came to the United States in the 19th and 20th centuries, as did people from other countries, in search of the opportunity to create a better life;

Whereas the United States ratified the Burlingame Treaty on October 19, 1868, which permitted the free movement of the Chinese people to, from, and within the United States and made China a "most favored nation";

Whereas in 1878, the House of Representatives passed a resolution requesting that President Rutherford B. Hayes renegotiate the Burlingame Treaty so Congress could limit Chinese immigration to the United States;

Whereas, on February 22, 1879, the House of Representatives passed the Fifteen Passenger Bill, which only permitted 15 Chinese passengers on any ship coming to the United States;

Whereas, on March 1, 1879, President Hayes vetoed the Fifteen Passenger Bill as being incompatible with the Burlingame Treaty;

Whereas, on May 9, 1881, the United States ratified the Angell Treaty, which allowed the United States to suspend, but not prohibit, immigration of Chinese laborers, declared that "Chinese laborers who are now in the

“H.Res. 683 - Expressing the regret of the House of Representatives for the passage of laws that adversely affected the Chinese in the United States, including the Chinese Exclusion Act,” 8 June 2012. Courtesy of U.S. Congress
United States shall be allowed to go and come of their own free will,” and reaffirmed that Chinese persons possessed “all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation”;

Whereas the House of Representatives passed legislation that adversely affected Chinese persons in the United States and limited their civil rights, including—

(1) on March 23, 1882, the first Chinese Exclusion bill, which excluded for 20 years skilled and unskilled Chinese laborers and expressly denied Chinese persons alone the right to be naturalized as American citizens, and which was opposed by President Chester A. Arthur as incompatible with the terms and spirit of the Angell Treaty;

(2) on April 17, 1882, intending to address President Arthur’s concerns, the House passed a new Chinese Exclusion bill, which prohibited Chinese workers from entering the United States for 10 years instead of 20, required certain Chinese laborers already legally present in the United States who later wished to reenter the United States to obtain “certificates of return,” and prohibited courts from naturalizing Chinese individuals;

(3) on May 3, 1884, an expansion of the Chinese Exclusion Act, which applied it to all persons of Chinese descent, “whether subjects of China or any other foreign power”;

(4) on September 3, 1888, the Scott Act, which prohibited legal Chinese laborers from reentering the United States and cancelled all previously issued “certificates of return,” and which was later determined by the Supreme Court to have abrogated the Angell Treaty; and

“H.Res. 683 - Expressing the regret of the House of Representatives for the passage of laws that adversely affected the Chinese in the United States, including the Chinese Exclusion Act,” 8 June 2012. Courtesy of U.S. Congress
(5) on April 4, 1892, the Geary Act, which reauthorized the Chinese Exclusion Act for another ten years, denied Chinese immigrants the right to be released on bail upon application for a writ of habeas corpus, and contrary to customary legal standards regarding the presumption of innocence, authorized the deportation of Chinese persons who could not produce a certificate of residence unless they could establish residence through the testimony of “at least one credible white witness”;

Whereas in the 1894 Gresham-Yang Treaty, the Chinese government consented to a prohibition of Chinese immigration and the enforcement of the Geary Act in exchange for readmission to the United States of Chinese persons who were United States residents;

Whereas in 1898, the United States annexed Hawaii, took control of the Philippines, and excluded only the residents of Chinese ancestry of these territories from entering the United States mainland;

Whereas, on April 29, 1902, as the Geary Act was expiring, Congress indefinitely extended all laws regulating and restricting Chinese immigration and residence, to the extent consistent with Treaty commitments;

Whereas in 1904, after the Chinese government withdrew from the Gresham-Yang Treaty, Congress permanently extended, “without modification, limitation, or condition,” the prohibition on Chinese naturalization and immigration;

Whereas these Federal statutes enshrined in law the exclusion of the Chinese from the democratic process and the promise of American freedom;

“H.Res. 683 - Expressing the regret of the House of Representatives for the passage of laws that adversely affected the Chinese in the United States, including the Chinese Exclusion Act,” 8 June 2012. Courtesy of U.S. Congress
Whereas in an attempt to undermine the American-Chinese alliance during World War II, enemy forces used the Chinese exclusion legislation passed in Congress as evidence of anti-Chinese attitudes in the United States;

Whereas in 1943, in furtherance of American war objectives, at the urging of President Franklin D. Roosevelt, Congress repealed previously enacted legislation and permitted Chinese persons to become United States citizens;

Whereas Chinese-Americans continue to play a significant role in the success of the United States; and

Whereas the United States was founded on the principle that all persons are created equal: Now, therefore, be it

Resolved,

SECTION 1. ACKNOWLEDGEMENT.

That the House of Representatives regrets the passage of legislation that adversely affected people of Chinese origin in the United States because of their ethnicity.

SEC. 2. DISCLAIMER.

Nothing in this resolution may be construed or relied on to authorize or support any claim, including but not limited to constitutionally based claims, claims for monetary compensation or claims for equitable relief against the United

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States or any other party, or serve as a settlement of any claim against the United States.

Attest:

Clerk.