

### 3. Senator George Hoar Declares Chinese Exclusion Un-American, 1882

Nothing is more in conflict with the genius of American institutions than legal distinctions between individuals based upon race or upon occupation. The framers of our Constitution believed in the safety and wisdom of abstract principles. They meant that their laws should make no distinction between men except such as were required by personal conduct and character. The prejudices of race, the last of human delusions to be overcome, has been found until lately in our constitutions and statutes, and has left its hideous and ineradicable stains on our history in crimes committed by every generation. The negro, the Irishman, and the Indian have in turn been its victims here, as the Jew and the Greek and the Hindoo in Europe and Asia. But it is reserved for us at the present day, for the first time, to put into public law of the world and into the national legislation of the foremost of republican nations a distinction inflicting upon a large class of men a degradation by reason of their race and by reason of their occupation.

The bill which passed Congress two years ago and was vetoed by President Hayes, the treaty of 1881, and the bill now before the Senate, have the same origin and are parts of the same measure. Two years ago it was proposed to exclude Chinese laborers from our borders, in express disregard of our solemn treaty obligations. This measure was arrested by President Hayes. The treaty of 1881 extorted from unwilling China her consent that we might regulate, limit, or suspend the coming of Chinese laborers into this country—a consent of which it is proposed by this bill to take advantage. This is entitled “A bill to enforce treaty stipulations with China.”

It seems necessary in discussing the statute briefly to review the history of the treaty. First let me say that the title of this bill is deceptive. There is no stipulation of the treaty which the bill enforces. The bill where it is not inconsistent with the compact only avails itself of a privilege which that concedes. China only relaxed the Burlingame treaty so far as to permit us to “regulate, limit, or suspend the coming or residence” of Chinese laborers, “but not absolutely to prohibit it.” The treaty expressly declares “such limitation or suspension shall be reasonable.” But here is proposed a statute which for twenty years, under the severest penalties, absolutely inhibits the coming of Chinese laborers to this country. The bill is intended absolutely to prohibit it.

... Here is a declaration made by a compact between the two greatest nations of the Pacific, and now to be re-enforced by a solemn act of legislation, which places in the public law of the world and in the jurisprudence of America the principle that it is fit that there should hereafter be a distinction in the treatment of men by governments and in the recognition of their rights to the pursuit of happiness by a peaceful change of their homes, based not on conduct, not on character, but upon race and upon occupation. You may justly deny to the Chinese what you may not justly deny to the Irishman. You may deny to the laborer what you may not justly deny to the scholar or to

From *Speech of the Hon. George F. Hoar of Massachusetts Delivered in the Senate of the United States, March 1, 1882* (pamphlet), (Washington, D.C., 1882), 6–7, 9, 13–14; reprinted in *Racism, Dissent, and Asian Americans from 1850 to the Present: A Documentary History*, ed. Philip S. Foner and Daniel Rosenberg (Westport, Conn.: Greenwood Press, 1993), 53–55.

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

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

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

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

From *Congressional Record*, 42d Cong., 1st sess., 1882.

next after the passage of the same is here any Chinese days, to rema

## Section 2

That the mas on such vesse eign port or thereof shall and every suc not exceeding

## Section 3

That the two United States ninety days n before going the United St act required o two foregoing a port not wit States by reas of the United Chinese labor

## Section 4

That for the United States who shall hav the passage o their right to as provided b seventeenth, e from which a person or by laborer and cl vessel make a books to be k tion, last place for the identif kept in the cu United States upon applicati