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*By* NG POON CHEW, Editor of CHUNG SAI YAT PO  
SAN FRANCISCO, CALIFORNIA, JANUARY, 1908

# The Treatment of the Exempt Classes of Chinese in the United States.

## A STATEMENT FROM THE CHINESE IN AMERICA.

After a quarter of a century of Chinese Exclusion, many people take it for granted that Exclusion has become a fixed policy of the Government of the United States, and that the vexed Chinese question is finally and permanently settled, as far as this country is concerned. The exclusion of Chinese laborers may have become a fixed policy with the United States, but the treatment of the exempt classes is not settled and will not be until it is settled aright with justice to all.

The Chinese Exclusion Law, as now enacted and enforced, is in violation of the letter and spirit of the treaty between this country and China, and also in opposition to the original intention of Congress on the subject. As long as this law remains on the statute books in its present shape, and is carried out by methods such as are now in vogue, the Chinese question will continue to be a vexatious one in the United States, as well as a fruitful source of irritation between America and China; and it will continue to hinder the upbuilding of commercial interests between the two great countries.

During twenty-five years the Chinese exclusion policy has steadily increased in stringency; as Senator Hoar said on the floor of Congress, the United States enforced the exclusion laws first with water, then with vinegar, and then with red pepper,

and at last with vitriol. The Exclusion Law has been carried out with such vigor that it has almost become an extermination law. The Chinese population in the United States has been reduced from 150,000 in 1880 to 65,000 at the present time. During these twenty-five years much injustice and wrong have been heaped upon the Chinese people by the United States in the execution of its exclusion policy, and now it is time that this great nation should calmly review the whole question thoroughly and revise the law, so that it may come within the spirit of the treaty, and at the same time fulfill the original intention of Congress, namely: the exclusion of Chinese laborers, and the admission of all other classes.

President Roosevelt, in his annual Message to Congress in 1905, said:

In the effort to carry out the policy of excluding Chinese laborers, Chinese coolies, grave injustice and wrong have been done by this nation to the people of China, and therefore ultimately to this nation itself.

And he urged that the laws should be so framed as to permit those who are not laborers to come and go at will, enjoying the same privileges and immunities as are enjoyed by the same classes of other nationalities.

The Secretary of Commerce and Labor, Oscar S. Straus, in his annual report to the President in 1907, said:

It has never been the purpose of the Government, as would appear from its laws and treaties, to exclude persons of the Chinese race merely because they are Chinese, regardless of the class to which they belong, and without reference to their age, sex, culture or occupation, or to the object of their coming or their length of stay. The real purpose of the Government's policy is to exclude a particular and well defined class, leaving other classes of Chinese, except as they, together with all other foreigners, may be included within the prohibitions of the general immigration laws, as free to come and go as the citizens or subjects of any other nation. As the laws are framed,

however, it would appear that the purpose was rigidly to exclude persons of the Chinese race in general, and to admit only such persons of the race as fall within certain expressly stated exemptions—as if, in other words, exclusion was the rule and admission the exception. I regard this feature of the present laws as unnecessary and fraught with irritating consequences. In the administration of laws so framed, notwithstanding the care taken to treat persons of the Chinese race lawfully entitled to admission with the same courtesy and consideration shown to other foreigners, it is impossible that persons who have to endure requirements and formalities peculiar to themselves should fail to take offense, and to resent as a humiliation the manner in which by law they are distinguished from natives of other countries. Laws so framed, which can only be regarded as involving a discrimination on account of race, color, previous condition or religion, are alike opposed to the principles of the Republic and to the spirit of its institutions.

It is not surprising, therefore, that both the Chinese Government and the Chinese people should feel aggrieved, and should in various ways manifest their resentment and displeasure.

It is plain, therefore, that the Chinese Exclusion Law is in need of reframing, and should be so reframed without delay. A summary review of the provisions of the treaty and the law, and the regulations for its enforcement, as far as they apply to the exempt classes, will serve to show where the injustice and wrong lie.

In the year 1880 China and the United States signed a treaty by which China agreed to the suspension or limitation for a reasonable period of the emigration to this country of Chinese laborers, both skilled and unskilled; and the United States agreed that all other classes of Chinese should come and go as freely as the subjects of the most favored nation. Article I of the treaty reads as follows:

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or

to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit or suspend such coming or residence, but may not absolutely prohibit it. 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 limitation. Legislation taken in regard to Chinese laborers will 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.

And Article II reads as follows:

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

This treaty is still in force, and yet only a very limited number of Chinese other than laborers are now admitted, and by no means as freely as even the laborers of other nationalities.

The unwarranted limitation of the exempt classes of the Chinese—who have a right to come under both treaties and laws—to a few persons of a very few occupations, has come about chiefly through political agitation to secure the votes of workingmen, and by the strong anti-Chinese prejudice of immigration officers, who were themselves often representatives of labor organizations. All Chinese, except laborers, had a right to come and go freely under the treaty and even under the first restriction law of 1882, and this was acknowledged by both nations for eighteen years, although immigration officials, in some instances, enlarged the definition of laborers so as to include persons not technically of that class.

But in 1898 the Attorney General of the United States decided that the true theory of the law was not that all Chinese who were not laborers could come in, but that only those could come who were expressly named in the law. If this were correct, the law itself was a violation of the treaty; but, in fact, this ruling violated the clear and originally accepted meaning of the treaty and of the laws passed in execution of it. The American immigration officials, however, made it a pretext for excluding all the Chinese they could, even of the five classes named in the treaty. It appeared to be their ambition to deny all Chinese admission, and any one admitted was regarded as a lost case. The phrase "officials, teachers, students, merchants and travelers for curiosity or pleasure," was used in the treaty merely by way of illustration and before 1898 had been generally so interpreted, but the Attorney General's decision gave opportunity for limiting even these classes still further.

From this time on the exempt classes of Chinese were limited by enlarging the definition of laborers to include many who were not laborers, and by narrowing the definitions of teacher, student and merchant so as to exclude many who were certainly of these classes. For instance, it was declared that a teacher was one who teaches the higher branches in a recognized institution of learning; a student was one who pursues the higher branches in a recognized institution of learning, facilities for which are wanting in his own country or in the country from which he came; a merchant was one who carried on business in a fixed place, in buying and selling, in his own name. If a merchant, who does a million dollars worth of business a year, invests one dollar in a hotel or restaurant business or in a manufacturing concern, in a mining venture or railroad enterprise, his status as a merchant is at once vitiated, and he is denied admission, or deported if already admitted. As a result

Chinese traders, salesmen, clerks, buyers, bookkeepers, bankers, accountants, managers, storekeepers, agents, cashiers, interpreters, physicians, proprietors of restaurants and laundries, employers, actors, newspaper editors, and even preachers and missionaries of Christianity, are excluded from the shores of the United States. A Chinese by the name of Wah Sang was admitted to this country as a student in theology, and as long as he was a student he was allowed to remain in the country; but when he completed his course in theological training, and entered into active service in preaching the Gospel to his countrymen under the auspices of the Methodist Church, he was arrested in Texas as a laborer, was tried and ordered deported in February, 1905, the court sustaining the contention of the immigration officials that a preacher is a laborer, and therefore subject to the operation of the Exclusion Law.

This exclusion by regulation, not justified by treaties or laws, has been carried much further so as to harass and inconvenience Chinese merchants, students and others in many ways. The United States demands a certificate of admission, with many personal details, signed by officials of the Chinese Government and of the United States; but when the certificate has been secured in proper form and every requirement has been met, the holder is not sure of being able to enter the United States; for the immigration officials re-examine him and often detain and sometimes deport him on petty technicalities. For the practice with the immigration officials is to regard every Chinese applicant for admission as a cheat, a liar, a rogue and a criminal, and they proceed to examine him with the aim in mind of seeing how he may be excluded, rather than of finding out whether he is legally entitled to land. For many years the certificate has been no guarantee that its holder could be admitted, though he might be a



great merchant or a student coming to study at an American university.

In 1904 there arrived at the port of San Francisco a Chinese gentleman from the Straits Settlement, with the intention of taking up a post-graduate course at Columbia University, he being a graduate of one of the great American universities in the Eastern States, and having taught English in colleges in Shanghai and Singapore for several years; yet, on account of trifling technical defects in his papers, he was detained for a long time at the detention shed on the Mail docks in San Francisco, and finally deported.

Among the passengers on board the steamer *Ivernia* which arrived at Boston on June 1st, 1905, from Liverpool, were four Chinese students, the three King brothers and their sister, Miss T. King, who had completed a three years' course in the University of London. These four students were of high official family in Shanghai, and they were on their way home, intending simply to land at Boston and cross to Canada to take the Canadian train for Vancouver. They were armed with passports signed by the American Ambassador, the Honorable Mr. Choate, who was their personal friend, certifying as to their status and intention, yet they were held on board while the very lowest and ignorant classes from southern Europe, that came in the steerage, were freely permitted to land. They would have been shipped back to England had not some local American merchants interested themselves in the case. After they were photographed and bond of five hundred dollars each given, they were permitted to land and cross to Canada. All these inconveniences and humiliation were accorded them, simply because the immigration officials at that port contended that they found some technical defect in their papers.

Furthermore, Chinese residents of the exempt classes are limited and harassed by official regulations in going to and from China, in bringing in their wives and children, and in many ways are treated as the subjects of other nations are never treated by the United States. Ladies of highly respectable families have been asked all sorts of questions in the examinations by the immigration officials which they would not dare to mention in the hearing of American ladies. A boy of ten years of age, whose father was a prominent merchant, arrived in San Francisco with his parents. After a long investigation the parents were admitted and the boy ordered deported on the ground that he had *trachoma*, although the American officers at the port of departure had given them a health certificate, and although Americans on board the vessel testified that the ship's doctor had examined the eyes of all the second cabin passengers without disinfecting his hands. The Secretary of Commerce and Labor refused to reverse the decision of deportation. There have been a number of instances where Chinese merchants returning from a trip to China with their wives and families have been allowed to land but have had their wives and children deported.

For years the *Bertillon System*, used for the identification of criminals in the United States, has also been used to identify departing Chinese of all classes who wished to return. The system has only been abandoned during the last few months because the Department at Washington failed to supply the different Bureaus with sufficient men to operate it.

Although the Geary Law of 1893, which required resident Chinese laborers to obtain a certificate of residence and to be photographed, did not require the exempt classes nor their wives and children to obtain a certificate, the regulations of the immigration bureau require officials to arrest every Chinese found

without a certificate. Consequently any Chinese merchant, student or physician who was in this country at the time of registration and did not get a certificate is now liable to arrest and imprisonment.

Under these regulations many of the exempt classes have been held up in various ways, at many places and times, by the immigration officials in their zeal to enforce the Chinese Exclusion Laws. The exempt classes, thus arrested, are put to great expense and inconvenience before they are released by United States Commissioners. Once an attache of the Chinese Legation at Washington was held up while traveling through Arizona on official business, and put to much inconvenience and indignity before he was released by order of the Department at Washington. In order to find some who might be without certificates, the whole Chinese quarter in Denver and in Boston was surrounded, and all Chinese found without certificates, whether merchants or no, were arrested and herded in close confinement, until their status was decided by the court.

In 1904 the United States sent a special minister to China to invite the Provinces to make exhibits at the Louisiana Purchase Exposition, and promised their representatives a most cordial welcome. The Viceroys of the Provinces issued proclamations and many exhibits were prepared, but when the merchants and their employes arrived they were treated by the immigration officials as if they were laborers attempting to enter the country unlawfully. Some of them were so much offended that they returned at once to China; others decided not to set out from China; and those who reached St. Louis were treated throughout the Exposition like suspected criminals.

In that year there arrived at the port of San Francisco four Chinese gentlemen from Shanghai, three of whom were exhibitors

at the St. Louis Fair, and the other a delegate from the Synod of China to attend the Presbyterian General Assembly at Buffalo, N. Y. Their papers were submitted to the American Consul in Shanghai, who passed upon them as being properly made out, and the gentlemen were assured that they would meet with no difficulties when they arrived in San Francisco. But they were denied landing by the immigration officials on the ground that their papers did not state the length of time the applicants had held their respective professions before they started for America. They were held at the detention shed, while strenuous efforts were made by their friends, both white and Chinese, who appealed to the Department at Washington and to the Chinese Legation; orders were finally received by the immigration officials in San Francisco to land these men on bonds. After incurring an expense of more than one hundred and fifty dollars in perfecting their bonds, they were permitted to leave the shed and go on their way "rejoicing" and breathing the "sweet air of liberty." This was the treatment they received when they accepted America's invitation to participate in the World's Fair.

Merchants of high standing and large business interests in the United States, returning from China on a steamer bearing a valuable invoice of goods consigned to their firms, are met by a Board of Inquiry, composed of physicians from the United States Marine Hospital Service, and are rigidly examined as to whether or not they have *trachoma*. If this Board finds even a slight redness or granulation of the eyelids, it certifies that the applicants have "trachoma, a dangerous, infectious disease," and they are ordered deported to China. From this order there is no appeal, and yet prior to their departure from the United States, these merchants complied with all the rules and regulations of the Immigration Service, and when they sailed from China on their return trip they were given a clean bill of health by the United

States Marine Hospital Surgeons at their port of departure in China.

It is well known that the discourteous treatment of merchants and students by immigration officials was the principal cause of the boycott of American products in China in 1905. Although this boycott was shortly suppressed by the Chinese Government, it was an expression of the bad feeling which had arisen between the two countries because of violation of the treaty and accumulated sense of injustice. Thirty years ago there were nearly 200 Chinese students in the United States pursuing their education; when they returned to China they became leaders of the people and reported that the Americans were a friendly and honorable nation. But since the passage of the Geary Law especially, students of all grades except post-graduate have been excluded. They go to other countries, and when they return to China do not speak favorably of the United States; and those who have received indignities in America have also returned home full of resentment, and urge their countrymen to resist the violation of the treaty.

The ill-treatment of those who were entitled to come in as freely as other nationalities has been unhappy not only in producing irritation and unfriendly feeling where formerly there was friendly feeling, but it has been disastrous also to commercial interests. Because of injustice all the great Chinese merchants who formerly paid one-third of the customs duties at the port of San Francisco, have gone back to China or do business in other countries. Although there are now few merchants of first rank in San Francisco, the Chinese importers still pay a large proportion of the customs duties. If all classes of merchants, traders and business men had been encouraged to come and go freely it is probable that the trade between China and America would have increased rapidly and would now be much greater than it is. At

the present time American exports to China are decreasing; the volume of exports to China during the year 1907 decreased fifty per cent from that of the year 1906.

Chinese laborers of all classes have been excluded from the United States by mutual agreement, and the Chinese themselves are not now asking for any change in this arrangement; but they do ask for as fair treatment as other nationalities receive in relation to the exempt classes. Since the first restriction law was passed the United States has received as immigrants more than two millions Austro-Hungarians, two million Italians and a million and a half Russians and Finns. Each of these totals is from five to seven times the whole amount of Chinese immigration of all classes during thirty years of free immigration, seventy times the amount of immigration of the Chinese who were not laborers. Even if the number of the exempts under a just interpretation of the treaty should rise to 10,000 in one year, it would still be less than one one-hundredth of the total immigration to the United States in one year. During the fiscal year 1907 there came to the United States from Europe 1,280,000 immigrants; whereas, during the thirty years of free Chinese immigration, the largest number of Chinese found at any one time in the United States was one hundred and fifty thousand.

The question is not now of the admission of laborers, but whether other Chinese who are entitled to come under both law and treaty shall receive the same courtesies as people of other nations, and shall be relieved from many harassing regulations. They must no longer be detained, photographed and examined as if they were suspected of crime. Americans desire to build up a large trade with the Orient, but they can scarcely expect to succeed if the United States Government continues to sanction the illegal and unfriendly treatment of Chinese subjects. President Roosevelt has said that if the United States expects justice

it must do justice to the Chinese, and certainly the Americans cannot expect to obtain the trade of the Orient by treating the Chinese with discourtesy.

The Honorable William H. Taft, Secretary of War, not long ago in a public address, said:

Is it just that for the purpose of excluding or preventing perhaps 100 Chinese coolies from slipping into this country against the law, we should subject an equal number of Chinese merchants and students of high character to an examination of such an inquisitorial, humiliating, insulting and physically uncomfortable character as to discourage altogether the coming of merchants and students?

One of the great commercial prizes of the world is the trade with the four hundred million Chinese. Ought we to throw away the advantage which we have by reason of Chinese natural friendship for us, and continue to enforce an unjustly severe law and thus create in the Chinese mind a disposition to boycott American trade and drive our merchants from the Chinese shores simply because we are afraid that we may for the time lose the approval of certain unreasonable and extremely popular leaders of California and other Coast States?

Does the question not answer itself? Is it not the duty of members of Congress and of the Executive to disregard the unreasonable demand of a portion of the community, deeply prejudiced upon this subject, in the Far West, and insist on extending justice and courtesy to a people from whom we are deriving and are likely to derive such immense benefit in the way of international trade?