

October 1943

[Message to Congress: Repeal of Chinese
Exclusion Laws]

FDR Speech File

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JHR

There is now pending before the Congress legislation to permit the immigration of Chinese people into this country and to allow Chinese residents here to become American citizens. I regard this legislation as vital to the winning of the war and the establishment of a secure peace.

China is our ally. For many long years she stood alone in the fight against aggression. Today we fight at her side. She has continued her gallant struggle against the greatest odds.

China has understood that the strategy of victory in this global war first required the concentration of our strength upon the European front. She has understood that the amount of supplies we could make available to her has been limited by difficulties of transportation. She knows that substantial aid will be forthcoming as soon as possible — aid not only in the form of weapons and supplies. For plans are already under way for offensive, effective action. We and our allies will aim our forces at the heart of Japan — in ever-increasing force until the common enemy is driven from China's soil.

But China's resistance does not depend alone on guns and planes and on attacks on land, sea and from the air. It is based more in the spirit of her people and her faith in her allies. We owe it to the



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Chinese to strengthen that faith. One step in this direction is to wipe from the statute books those anachronisms in our law which forbid the immigration of Chinese people into this country and which bar Chinese residents from American citizenship.

Nations like individuals make mistakes. We must be big enough to acknowledge our mistakes of the past and to correct them.

By the repeal of the Chinese Exclusion Laws, we can correct a historic mistake and silence the distorted Japanese propaganda. The enactment of legislation now pending before the Congress would put Chinese immigrants on a parity with those from other countries. The Chinese quota would, therefore, be only about 100 immigrants a year. There can be no reasonable apprehension that any such number of immigrants will cause unemployment or provide competition in the search for jobs.

The extension of the privileges of citizenship to the relatively few Chinese residents in our country would operate as another meaningful display of friendship. It would be additional proof that we regard China not only as a partner in waging war but that we shall regard her as a partner in days of peace. While it would give the Chinese a preferred status over other Oriental people, their great contribution to the cause



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of decency and freedom entitles them to such preference.

Action by the Congress will be an earnest of our purpose to apply the policy of the good neighbor to our relations with other peoples.

I feel confident that the Congress is in full agreement that these measures -- long overdue -- should be taken now to correct an injustice to our friends.



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There is now pending before the Congress legislation to permit the immigration of Chinese people into this country and to allow Chinese residents here to become American citizens. I regard this legislation as vital to the winning of the war and the establishment of a secure peace.

China is our ally. [She is waging a significant fight against the invading armies of the Japanese.] For many long years she stood alone in the fight against aggression. Today we fight at her side. She has continued her gallant struggle against the greatest odds.

China has understood that the strategy of victory in this global war first required the concentration of our strength upon the European front. She has understood that the amount of supplies we could make available to her has been limited ^{by difficulties in transportation} as a result of the closing of the Burma Road. She knows that substantial aid will be forthcoming as soon as possible—aid not only in the form of supplies. ^{we are doing our best to} Plans are already under way ^{for offensive} [to reward her patience by effective action. [We will send her guns, tanks, planes and other aid—and] ^{we} and our allies will aim our forces at the heart of Japan—in ever increasing ^{force} [measure] until the common enemy is driven from China's soil.

But China's resistance does not depend alone on guns and planes and on attacks on land, sea and from the air. It is ^{based} ~~represented~~ even more in the spirit of her people and her faith in her allies. We owe it to the Chinese to strengthen that faith. ^{One} [an important step in this direction is to ^{take} ~~can~~ be taken by wiping] from the statute books those anachronisms in our law which forbid the immigration of Chinese people into this country and



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which bar Chinese residents from American citizenship. Nations like individuals make mistakes. We must be big enough to acknowledge our mistakes of the past and to correct them.

The Japanese, ignoring the beams in their own eyes, have sought to capitalize in their propaganda the fact that the Chinese are the only people who are ^{openly} excluded from immigration into this country. Their propaganda machine has been working overtime on this theme.

By the repeal of the Chinese Exclusion Laws, we can correct a historic mistake and silence ^{the} distorted and ill-founded ^{Chinese} propaganda.

The enactment of legislation now pending before the Congress would put Chinese immigrants on a parity with those from other countries. The Chinese quota would be ^{less than for only about} a little over 100 immigrants a year.

P The extension, ~~in addition~~ of the privileges of citizenship to the relatively few Chinese residents in our country would operate as another meaningful display of friendship. A

Action by the Congress will be an earnest of our purpose to apply the policy of the good neighbor to our relations with other peoples.

I feel confident that the Congress is in full agreement that these measures—long overdue—should be taken now to correct an injustice to our friends.



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Insert
①

THE WHITE HOUSE
WASHINGTON

It would be ^{additional} ~~substantive~~ proof that
we regard China not only as a
~~an equal~~ partner in
waging war but that we
shall regard her as a
partner in days of peace. While
it would give the Chinese a
preferred status over other
oriental people, their great
contribution to the cause of
decency and freedom entitles
them to such preference.



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THE WHITE HOUSE
WASHINGTON

There can be no reasonable
apprehension that any
such number of immigrants
will cause unemployment
or provide competition in the
search for jobs.



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REPEAL OF THE CHINESE EXCLUSION ACTS

HEARINGS

BEFORE THE

COMMITTEE ON

IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SEVENTY-EIGHTH CONGRESS

FIRST SESSION

ON

H. R. 1882 and H. R. 2309

BILLS TO REPEAL THE CHINESE EXCLUSION ACTS,
TO PUT THE CHINESE ON A QUOTA BASIS, AND
TO PERMIT THEIR NATURALIZATION

MAY 19, 20, 26, 27, AND JUNE 2, AND 3, 1943

Printed for the use of the
Committee on Immigration and Naturalization



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1943

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Samuel I. Rosenthal

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THE ASSISTANT SOLICITOR GENERAL
WASHINGTON

October 20, 1943

Dear Judge Rosenman:

The main debate on the repeal of the Chinese exclusion legislation was concluded in the House this afternoon.

The debate continues tomorrow under the five-minute rule for amendments.

All the indications are that the Chair will rule that any attempts to add a rider limiting all immigration quotas will be ruled out as not germane.

If I were going to guess, I would say that the legislation will probably pass tomorrow with not more than 35 to 50 votes against it at the outside. As soon as I get the vote tomorrow, I will let you know.

Sincerely yours,

Dean Cof

Hon. Samuel I. Rosenman
The White House



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78TH CONGRESS
1st Session

H. R. 3070

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 1943

Mr. MAGNUSON introduced the following bill; which was referred to the Committee on Immigration and Naturalization

A BILL

To repeal the Chinese Exclusion Acts, to establish quotas, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the following Acts or parts of Acts relating to the
- 4 exclusion or deportation of persons of the Chinese race are
- 5 hereby repealed: May 6, 1882 (22 Stat. L. 58); July 5,
- 6 1884 (23 Stat. L. 115); September 13, 1888 (25 Stat. L.
- 7 476); October 1, 1888 (25 Stat. L. 504); May 5, 1892
- 8 (27 Stat. L. 25); November 3, 1893 (28 Stat. L. 7);
- 9 that portion of section 1 of the Act of July 7, 1898 (30
- 10 Stat. L. 750, 751), which reads as follows: "There shall
- 11 be no further immigration of Chinese into the Hawaiian



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1 Islands except upon such conditions as are now or may
 2 hereafter be allowed by the laws of the United States; and
 3 no Chinese, by reason of anything herein contained, shall be
 4 allowed to enter the United States from the Hawaiian
 5 Islands."; section 101 of the Act of April 30, 1900 (31
 6 Stat. L. 141, 161); those portions of section 1 of the Act of
 7 June 6, 1900 (31 Stat. L. 588, 611), which read as fol-
 8 lows: "And nothing in section four of the Act of August
 9 fifth, eighteen hundred and eighty-two (Twenty-second
 10 Statutes at Large, page two hundred and twenty-five), shall
 11 be construed to prevent the Secretary of the Treasury from
 12 hereafter detailing one officer employed in the enforcement
 13 of the Chinese Exclusion Acts for duty at the Treasury De-
 14 partment at Washington. * * * and hereafter the Com-
 15 missioner-General of Immigration, in addition to his other
 16 duties, shall have charge of the administration of the Chinese
 17 exclusion law * * *, under the supervision and direction
 18 of the Secretary of the Treasury."; March 3, 1901 (31
 19 Stat. L. 1093); April 29, 1902 (32 Stat. L. 176); April
 20 27, 1904 (33 Stat. L. 428); section 25 of the Act of
 21 March 3, 1911 (36 Stat. L. 1087, 1094); that portion of
 22 the Act of August 24, 1912 (37 Stat. L. 417, 476), which
 23 reads as follows: "Provided, That all charges for mainte-
 24 nance or return of Chinese persons applying for admission
 25 to the United States shall hereafter be paid or reimbursed



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1 to the United States by the person, company, partnership,
 2 or corporation, bringing such Chinese to a port of the United
 3 States as applicants for admission."; that portion of the Act
 4 of June 23, 1913 (38 Stat. L. 4, 65), which reads as
 5 follows: "Provided, That from and after July first, nineteen
 6 hundred and thirteen, all Chinese persons ordered deported
 7 under judicial writs shall be delivered by the marshal of
 8 the district or his deputy into the custody of any officer
 9 designated for that purpose by the Secretary of Commerce
 10 and Labor, for conveyance to the frontier or seaboard for
 11 deportation in the same manner as aliens deported under
 12 the immigration laws."

13 SEC. 2. With the exception of those coming under sub-
 14 sections (b), (d), (e), and (f) of section 4, Immigration
 15 Act of 1924 (43 Stat. 155; 144 Stat. 812; 45 Stat. 1009;
 16 46 Stat. 854, 47 Stat. 656; 8 U. S. C. 204), all Chinese
 17 persons entering the United States annually as immigrants
 18 shall be allocated to the quota for China computed under the
 19 provisions of section 11 of the said Act. A preference up
 20 to 75 per centum of the quota shall be given to Chinese born
 21 and resident in China.

22 SEC. 3. Section 303 of the Nationality Act of 1940,
 23 as amended (54 Stat. 1140; 8 U. S. C. 703), is hereby
 24 amended by striking out the word "and" before the word



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- 1 "descendants", changing the colon after the word "Hemi-
- 2 sphere" to a comma, and adding the following: "and
- 3 Chinese persons or persons of Chinese descent:".

THE CONGRESS
1ST SENATOR

H. R. 3070

A BILL

To repeal the Chinese Exclusion Act, to establish quotas, and for other purposes.

By Mr. MAHON

June 20, 1918

Referred to the Committee on Immigration and Naturalization



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THE ASSISTANT SOLICITOR GENERAL
WASHINGTON

October 9, 1943

MEMORANDUM FOR JUDGE ROSENMAN

Subject: Removal of Chinese Exclusion Legislation

1. Attached for your information is a copy of H.R. 3070 and the House Committee Report on it.
2. The Rules Committee has granted an open rule for four hours debate on the bill. I understand that it is expected that the bill will come up a week from Monday for debate under the rule.
3. The danger of an open rule is that unquestionably some of the members of the House will offer an amendment reducing all the quotas by 50%, with a minimum of 100. It was the almost unanimous view of the members of the Rules Committee (with the exception of Representative Sabath), expressed informally, that they saw no reason why quotas should not be reduced. If on the Floor of the House the amendment to reduce all the quotas should be made, some of the more enthusiastic members for the bill for China alone would necessarily have to take a different position.
4. This situation has been called to John McCormack's attention. He said he would watch it and try to have such a motion for an amendment to reduce the quotas ruled out on the ground that it is not germane to the bill.
5. It may be that you will want to speak to the President about this with the idea in mind that he might want to raise it at his next meeting with the legislative leaders.

Dean Cox

Attachment



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OFFICE OF THE MAJORITY LEADER
House of Representatives
Washington, D.C.

October 8, 1943

Mr. Oscar Cox
Department of Justice
Washington, D.C.

Dear Oscar:

I received the editorial on the Chinese exclusion
legislation which appeared in the Star, which you sent me.
It was certainly a fine editorial. I had Sam Dickstein insert
it in the Record.

With best wishes, I am

Sincerely yours,

/s/ JWMcC

Majority Leader.



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REPEALING THE CHINESE EXCLUSION LAWS

OCTOBER 7, 1943.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. DICKSTEIN, from the Committee on Immigration and Naturalization, submitted the following

REPORT

[To accompany H. R. 3070]

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 3070) to repeal the Chinese Acts, to establish a quota for Chinese persons, and to make Chinese persons racially eligible for naturalization, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The legislation proposed in this bill is for the purpose of repealing the Chinese exclusion laws, to place Chinese persons on a small-quota basis, and to make persons of the Chinese race eligible to become naturalized United States citizens.

GENERAL INFORMATION

SECTION 1

There have been a number of treaties or parts of treaties with China, dealing with the control of immigration and emigration to and from the two countries. The treaty of 1880 between the United States and China concerning immigration was undoubtedly the most effective and direct treaty on the question of immigration which has been entered into between the two countries. It recognized the necessity of a control over Chinese laborers coming to the United States. As a result of that treaty, and subsequent treaties, a series of laws, beginning with 1882, dealing with the question of the exclusion of the Chinese and other matters relating to the Chinese immigration question were passed. The last law dealing specifically with Chinese was approved on June 23, 1913.



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FROM THE DESK OF
OSCAR COE

November 25, 1963

JUDGE SAMUEL I. ROSENMAN:

You may be interested in the attached copy of the report on the repeal of the Chinese exclusion legislation.

I understand the bill is coming up in the Senate tomorrow.

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(June 3, 1943)

The repeal of the Chinese Exclusion Act

EXTENSION OF REMARKS
OF

HON. CARL T. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 3, 1943

Mr. CURTIS. Mr. Speaker, under leave to extend my remarks, I wish to

introduce a statement made by Admiral H. E. Yarnell, United States Navy, retired, before the Committee on Immigration and Naturalization of the House of Representatives this morning.

The statement is as follows:

It is generally appreciated by those who follow the course of the war in the Far East that the main attack on Japan must come from the mainland of Asia. This area is the only one from which air power adequate to inflict serious or decisive damage to Japanese arsenals and munition plants can operate and from which forces for the liberation of the main Japanese islands can be based. Russian bases cannot be relied upon since these would probably be occupied by Japanese troops very soon after war between Japan and Russia began. This is due to the exposed position of the Vladivostok area with reference to the advantageous position of the powerful Japanese army in Manchuria which renders the successful defense of this area a very difficult operation. This leaves the mainland of China as the only area from which long-range bombers can reach Japan and lands in the conclusion that Allied success against Japan requires the continuance of China in the war.

It is needless to enlarge upon the desperate situation in China today, and the grave possibility that the Nationalist Government may collapse unless effective aid is given at the earliest possible moment.

The military situation is, of course, known to those in authority in this country and Great Britain, and doubtless every effort is being made to give all possible military assistance.

There are other means, however, of strengthening the determination of the Chinese Government and people to fight on until real and adequate assistance can be given.

The most effective method is to consider, by act as well as by word, China as an equal in every respect with the other three Allied Nations in the conduct of the war and in the post-war settlement.

A step in this direction has been made in the announced intention of annulling the treaties regarding extraterritoriality and special privileges.

A greater step will be the repeal of the Chinese exclusion laws. Such a step will compare with that of the disbanding of the Third Internationale in the effect it will have on the Allied cause.

As you know, Japan has utilized American exclusion laws with much effect in her propaganda campaign in Japan and other areas of the Far East. By the repeal of these laws this means of stirring up hatred of the western nations will be removed.

In the consideration of the repeal of these laws, we also should look beyond the war to the peace settlement and the years to follow. When the time for that settlement comes, the four nations that have contributed the most to the defeat of the Axis Powers will have the main task and responsibility of arriving at terms that will insure a durable peace. Each should have an equal voice and there should be no bar which will interfere. Furthermore, in order to insure peace in the Far East, there must be a strong, stable, and democratic government in China. We have every reason to expect that if the Nationalist regime remains in power. We need not fear from this nation a policy of world conquest such as has been the curse of Japan. Chinese tradition, history, and philosophy oppose such policy.

The friendship that has existed between the United States and China for many years now continues in the future if we hope to maintain peace in the world. It cannot continue if these laws are retained on the statute books—Modern China is determined to take

her rightful place in the congress of nations. It is our duty and it is in our interest to help her attain that end.

In conclusion, it is my conviction that the repeal of these laws will have far-reaching effects as a war and as a post-war measure. It will also be a partial recognition of the heavy and exclusive of a great people who for six years have been fighting America's most dangerous enemy.

The CHAIRMAN. Admiral, you naturally base that conclusion upon your actual experience, both from the strategic standpoint of the war as well as from observations which you have made while in charge of that area?

Admiral YARNELL. Yes, sir.

The CHAIRMAN. Now, do you think the removing of that restriction and the fixing of a small quota would really bring home to the Chinese people our sincerity—I am talking of the American sincerity—more than preaching words that we are their friends and will lift the morale of China until we can get some aid in there?

Admiral YARNELL. I think it would have a very great effect and I think it is necessary in the post-war time especially.

The CHAIRMAN. You do not need to know the answer to the question I may want to ask you if it is a military secret or if you do not want to disclose it. Do you know how many men we have in there now?

Admiral YARNELL. No, I have no idea.

The CHAIRMAN. Do you think we will need China after this war is over?

Admiral YARNELL. I beg pardon?

The CHAIRMAN. Will we need such after the war is over?

Admiral YARNELL. In China?

The CHAIRMAN. In China.

Admiral YARNELL. China has a tremendous army available of excellent soldier material and all they need are munitions and leadership training. If we can keep China in the war, there is no necessity, as far as I can see, of sending a single American soldier to China outside of technicians and advisers and people who can help them organize and train their army.

The CHAIRMAN. And they would be the bulk of our safety and our security as a democracy on this side of the ocean, someone to depend upon to maintain peace and order?

Admiral YARNELL. Yes, sir. It is absolutely necessary that China be established as a strong, stable nation if there is to be future peace in the Far East.

The CHAIRMAN. And is there any question that you could establish that firm, stable, sound nation that will always be ready to defend its democracy in the same philosophy that we are trying to defend in our democracy, not only here but wherever it may be?

Admiral YARNELL. If we can keep her in the war, no; but if China does collapse and falls under the domination of the Japanese, it will be many years before the old Chinese tradition of democracy can reestablish itself, and the will be a period of turmoil in the Far East.

The CHAIRMAN. And the American Legion could not dispute that, could it?

Admiral YARNELL. I doubt it.

The CHAIRMAN. Nor the American Federation of Labor or anybody else could dispute those sound principles?

Admiral YARNELL. No.

The CHAIRMAN. Now long have you been with the service, Admiral?

Admiral YARNELL. I entered the Navy in 1923. Fifty years.

The CHAIRMAN. Any questions?

We appreciate your coming here and we thank you for this fine statement you have made.



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August 24, 1943

Dear Judge Rosenman:

I am enclosing a memorandum on the Chinese Exclusion Laws which briefly analyzes the present statutes and the proposals for their repeal and modification.

Is there anything further on this subject which you would care to have me do?

Yours sincerely,

Milton Handler
Milton Handler.

Honorable Samuel I. Rosenman,

The White House.

Enclosures

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MEMORANDUM FOR JUDGE SAMUEL I. ROSENMAN

Subject: Chinese Exclusion Laws

1. The exclusion of the Chinese from immigration into the United States rests upon the following statutory provisions:

a) Chapter 7 of Title 8 of the United States Code (Secs. 261-299), which, with minor exceptions, expressly forbids the entry of Chinese persons into this country. This chapter is entitled "Exclusion of Chinese" and is popularly known as the Chinese Exclusion Laws.

b) 8 U.S.C. sec. 213(c), which bars the admission into the country of any alien ineligible to citizenship.

c) 8 U.S.C. sec. 701 which limits the right to become a naturalized citizen to "white persons, persons of African nativity or descent, and descendants of races indigenous to the Western Hemisphere". Section 363 of this title, which is not carried over into the Code, but which does not appear to have been repealed, provides that "No State court or court of the United States shall admit Chinese to citizenship."

2. The repeal of the Chinese Exclusion Laws (8 U.S.C. secs. 261-299), though removing from the statute books the only provision in our immigration laws specifically applicable to a single nation and race, would not of itself open the doors to Chinese immigration. So long as the Chinese are denied the opportunity of becoming American citizens (8 U.S.C. secs. 363, 701), their entry would be barred by the provisions of



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country. To enlarge the Chinese quota would require a revision of the entire quota system or special legislation favoring the Chinese. Neither is proposed or is likely.

7. There are several bills pending in Congress dealing with Chinese immigration and naturalization problems. The most comprehensive seeks (a) to repeal the exclusion laws (b) to make the Chinese eligible for citizenship, and (c) to permit immigration under the quota system, making it clear that the annual quota shall not exceed 100.

8. The American Federation of Labor has recently signified its opposition to the repeal of the Chinese Exclusion Laws. Its opposition may result from a misconception of the purpose and effect of the proposed legislation. A conference with Green might remove this misconception. The support of organized labor should be sought to facilitate the enactment of repeal legislation.

9. A conference with the legislative leaders to explore the congressional sentiment towards (a) the repeal of the exclusion laws, (b) the extension of the privilege of naturalization to the Chinese in this country, and (c) the provision of limited Chinese immigration under the quota system would be desirable. As the principal effect of legislation would be psychological, it is important to canvass the situation in advance to make certain that legislation would not encounter serious congressional opposition.

10. Two excerpts from the Congressional Record containing some valuable background information are attached.

Attachments

August 24, 1943



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Samuel T. Rosenberg

PROPOSED REPEAL OF THE CHINESE EXCLUSION ACTS

When Congress, which has been in recess since July 8th, convenes again on September 14th, one of the important questions it will have to deal with is the proposal to repeal the Chinese Exclusion Acts and to allot a quota to China. A movement to that effect was started early this spring in the House of Representatives and has aroused wide spread interest. It has the support of an influential group of Congressmen and outside Congress, also, it has powerful supporters whose number is steadily increasing. Such well known New York newspapers as the Times, Herald Tribune and P M have endorsed the movement editorially and so have the Christian Science Monitor, Cleveland's Plain Dealer, Detroit's Free Press, the Baltimore Sun, the Washington Post, the Chicago Tribune and many others. Some Pacific Coast papers like the San Francisco Chronicle and the Seattle Times have come to its support. Other editors resist the proposal.

The line up in general is interesting. For repeal are the Church groups and those, sometimes referred to in this connection as "idealists"—writers, publicists, social workers etc.; working alongside them are practical business men who have represented American firms in China, and other practical business men who state they have in mind the post-war period when China will need enormous quantities of materials, experienced personnel and financing and that the United States will be glad to have her turn to it for help in these matters. A number of powerful groups, however, are definitely against repeal; the chief opponents are the American

-3-

Legion, the Veterans of the Foreign Wars and the American Federation of Labor.

ARGUMENTS FOR REPEAL

From May 19th to June 3d, the House Committee on Immigration and Naturalization held a series of public hearings partly on the general question of the status of Chinese under our immigration and naturalization laws and partly on a number of pending bills dealing with that question. According to Congressman Dickstein, the Chairman of the Committee, approximately 200 witnesses were scheduled to speak at those hearings, but, as usually is the case, some of them failed to appear.

Pearl Buck, the novelist, who has lived in China most of her life, spoke in behalf of repeal as did also her husband, Richard J. Walsh, the editor of "Asia"; Dr. Arthur W. Hummel, Asiatic expert of the Library of Congress, and Oswald Garrison Villard, formerly editor of the "Nation", were among others whose testimony carried considerable weight. Noted representatives of the different religious faiths spoke in favor of repeal- the movement has almost universal church support; several of the speakers had first hand knowledge of China and its people, having worked there in the missionary field. Among the members of the House of Representatives who advocated repeal at these hearings, or who subsequently advocated it in the House are Samuel Dickstein of New York, Chairman of the House of Committee on Immigration and Naturalization; Noah W. Mason of Illinois, ranking Republican member of that Committee and one of repeal's firmest champions; Frances F. Bolton, Congresswoman from Ohio; Walter H. Judd, of Minnesota, who formerly was in China as a missionary; Martin J. Kennedy of New York,



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and Warren G. Magnuson of Washington, both authors of bills proposing repeal; Will Rogers, Jr. of California, Carl T. Curtis of Nebraska, Charles S. Dewey of Illinois, and Wright Patman of Texas.

An important spokesman for repeal at these public hearings and the one who perhaps made the deepest impression on the Committee and the audience was Admiral H. A. Yarnell, for fifty years in the United States Navy and Commander of the Pacific Fleet from 1936 to 1939. He spoke of the desperate situation in China today and the grave possibility that the Nationalist Government will collapse unless it gets effective aid at the earliest moment possible. It must, to be sure, have more adequate military assistance but that, the Admiral declared, is not enough; "The most effective method is to consider, by act as well as by word, China as an equal in every respect with the other three Allied Nations in the conduct of the War and in the post-war settlement. A step in this direction has been made in the announced intention of annulling the treaties regarding extra-territoriality and special privileges. A greater step will be the repeal of the Chinese exclusion laws." He reminded the Committee that Japan is utilizing the American exclusion laws with such effect in her propaganda campaign in China and other areas of the Far East and pointed out that "by the repeal of these laws this means of stirring up hatred of the Western Nations will be eliminated."

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Besides Admiral Yarnell, several of the other witnesses stressed the value of repeal to counteract Japanese propaganda which seeks to foment dissatisfaction with the Nationalist Government among

**Repeal of the Chinese Exclusion Acts: Hearings Before the Committee on Immigration and Naturalization, House of Representatives, 78th Congress, First session, p. 249.



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the Chinese people and to stir up anger at the United States by keeping on the humiliation Chinese are alleged to undergo when they seek to enter the United States and the unfriendly treatment they are accorded after entry. Translations of several propaganda broadcasts (obtained from U. S. Government sources) beamed by Japan in various languages to the peoples of China, India, Latin America and other countries were read at the hearings. A typical Tokyo broadcast was heard to say: "The few Chinese who are temporarily permitted to enter the United States such as international merchants, professional men, and tourists are forced to undergo the most humiliating and discourteous treatment and detention at the various immigration stations. They are practically treated like a class apart from the rest of humanity..... The Chungking authorities must also know that the Chinese are rigidly excluded from attaining American citizenship by naturalization, a right which is accorded to the lowliest immigrant from Europe. The Chungking authorities must know that social customs in America force the Chinese to remain in the most menial of occupations, despised and mistreated and at best patronizingly tolerated with a contemptuous manner".*

A dramatic incident in connection with the hearings was the report of a Tokyo broadcast which came in during the second day of the hearings and which referred to the hearings themselves as a mere gesture; if the United States really believed in equality, the broadcaster commented, it would have repealed the exclusion laws long ago.

The last sentence touches upon a second reason for repeal stressed by several of the speakers at the hearings; namely, that our treatment of and attitude toward the black, yellow, and brown

*Ibid. p. 63

I think, but we are not running the war nor are we trying to. But if China deserts us and if they Japonize the Chinese, you gentlemen are going to think that the gates of hell have been left ajar. If they ever succeed in Japonizing the Chinese and the Hindus, the white race is through.***

ARGUMENTS AGAINST REPEAL

Neither Congress nor the American public is, however, unanimously for repeal. A number of Congressmen have spoken strongly in opposition to any change in our Chinese immigration policy, among them John B. Bennett of Michigan, Overton Brooks of Louisiana, Forest A. Harness of Indiana, and James V. Mott of Oregon. In their opinion, war time is not the time to make changes in our immigration policy and some of them have expressed regret that the matter should now have been brought up at all since, as Mr. Mott pointed out in the House on June 14th, "to debate highly controversial bills of this kind in Congress while we are at war is calculated to create disunity and dissension both among ourselves and among our allies." In reply to arguments urged in behalf of repeal they have insisted that repeal of our anti-Chinese legislation would not bolster Chinese morale nearly so effectively as increased assistance in the form of munitions and planes, and that so far as Japanese propaganda is concerned it would have no effect at all; "You cannot eliminate enemy propaganda by legislation no matter how good your intentions may be", Mr. Bennett declared in the House on June 11th, "because such propaganda is based, not upon facts, but upon distortion of facts."

The following further excerpts from Congressman Bennett's speech, on that day, will be of interest:

***Ibid. p. 215

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"It might be that passage of this legislation would be considered a friendly gesture by the people of China. But that in itself is not a conclusively convincing argument in its favor, when one views the matter realistically; because while it might give the Chinese great satisfaction at the moment it should also be remembered that the Chinese might consider it an expedient gesture on our part and resent the idea that, coming at this time, it has any significance in our basic relationships."

"Whether this particular legislation would push up Chinese morale or give it a psychological lift is a conclusion upon which one could speculate a great deal. A number of expert witnesses testified before our committee that the Chinese have been near the breaking point because of disease, lack of medicine, hunger, and inflation. I think every American appreciates the plight of the Chinese and would have everything done within our power to alleviate conditions. No stone should be left unturned to give them increased material assistance at the earliest opportunity.

"But it is admitted that this legislation would give them no material assistance. Its value is purely psychological and aesthetic and, Mr. Speaker, it is very difficult to appreciate the aesthetic things of life on an empty stomach. Therefore, the psychological value of this measure to the depressed and starving Chinese is a matter of so great a conjecture that I think any reasonable American should be afraid to hazard the action it is now proposed we take."

"In the hearings just concluded, apparently to magnify its importance, this legislation was constantly referred to as a war measure. If it is proper to so designate it, Mr. Speaker, then I assert it is a dangerous war measure. I say dangerous, because



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it deals superficially with a great and vital policy with respect to immigration. It settles nothing and is one of those bills which create more problems than it solves. It is an opening wedge for pressure groups. It places us in the position of dealing with this situation piecemeal. It jumps all the basic hurdles related to the solution of the problem and justifies its existence on the grounds of war expediency."

As mentioned above the chief opposition to the movement, outside Congress, comes from the American Federation of Labor, the American Legion and the Veterans of Foreign Wars. Its basis is principally economic; the spokesmen for these organizations repeatedly denied that race prejudice entered into the question. They expressed fear that repeal of the Chinese Exclusion Acts would be the opening wedge to breaking down American labor laws and standards, that it would augment post-war unemployment and that Chinese immigrants would be competitors with returning veterans in need of jobs. They urged the postponement of substantial changes in our immigration laws "until after the war, when," to quote the spokesman of the American Legion, "an accurate survey of our economic and employment conditions can be made."

SOME BY-PRODUCTS OF THE HEARINGS BEFORE THE HOUSE COMMITTEE

At the conclusion of the public hearings, the House Committee on Immigration and Naturalization met in executive session on June 7th to weigh the arguments for and against repeal of the Chinese Exclusion Acts and other anti-Chinese immigration and naturalization legislation and to plan for further action. At the end of this session the Committee voted 9 to 8 against repeal, and tabled the bills on the subject which were pending before it. Advocates of repeal have, however, not given up

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that "the minimum quota of any nationality shall be one hundred."

A few explanatory words are needed in connection with the above provisions. With reference to (3) it should be borne in mind that ever since July 1, 1924, a quota of 100 has been assigned for persons born in China but because of section 13 (c) * of the 1924 Act no member of the Chinese race has been eligible for entry under it. H. R. 2942 proposes to change this; it proposes to assign to China a quota computed according to the so called "national origins" formula (sec. 11, Act of May 26, 1924)--the quota would be 105 per year - and members of the Chinese race, no matter where they happen to be born or from where they emigrate to the United States, must enter under it unless they are entitled to non-quota immigration status (see above) or are bonafide non-immigrants, that is, are visitors, government officials, treaty merchants, etc. Furthermore H. R. 2942 proposes to give a preference up to 75 percent of this 105 yearly quota to Chinese who are natives and residents of China, leaving 25 percent for the use of Chinese born in countries other than China - in some Latin American country, or in a British possession, for instance -- and for persons of the "White race" or of the African race who happen to be born in China.

Fear was expressed at the hearings that the yearly number of Chinese admitted to this country would be a large one since, according to the 1924 Immigration Act, the quota under which an immigrant belongs is the quota of the country of his birth, not the quota of his country of origin. Some foresee that large numbers of Chinese would enter outside the quota as natives of one of the Western Hemisphere non-quota

*With a few exceptions, this section prohibits the admission of all persons who are ineligible for naturalization.



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various acts or parts of acts dealing with the Chinese question but neither they nor the so called "barred zone" provision of the Act of February 5, 1917 made important changes in, or additions to, the Chinese Exclusion Acts. Prior to July 1, 1924 when the 1924 Act went into effect, the outstanding aspects of our Chinese immigration policy were only several in number. In the first place, as mentioned above, the entry of Chinese laborers was prohibited by law except that Chinese laborers who had formerly lived in the United States, might reenter provided they had "a lawful wife, child or parent in the United States or property therein of the value of one thousand dollars or debts of like amount due them and pending settlement" (section 6, Act of September 13, 1908, as amended). Both the treaty of November 17, 1880 and the different Chinese Exclusion Acts however, recognized the desirability of not closing the door to China completely and specified that groups, usually known as "the exempt groups," might enter; namely, teachers, students, merchants, and persons proceeding to the United States "from curiosity", together with their spouses and children and their household servants. Subsequently, by administrative ruling or court decision some of these terms were given wider meanings the term "teacher" was, for instance, extended to include ministers and missionaries - teachers of religion, and the term "merchant" to include persons who own and conduct a restaurant but perform no manual labor in such restaurant.

Article II of the 1880 Treaty provided that the exempted classes "shall be allowed to go and come of their own free will and accord," but the legislation enacted by Congress to implement the treaty definitely curtailed such freedom. At a time when immigrants from all other countries might enter without documents of any sort, Chinese



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belonging in these exempted classes, were required under section six of the Act of May 6, 1883 as amended by the Act of July 5, 1894, to present a certificate vouching for their identity and for the fact that they were entitled to the exempt status they claimed. These certificates, according to section six, were to be issued by the Government to which the Chinese person in question owed allegiance, to be in the English language, to bear the owner's photograph and personal description and to be duly viced by an American diplomatic or consular officer in the foreign country in which the certificate was issued - this incidentally, was the first responsibility connected with immigration placed on the American Consular Service. Since July 1, 1924 when the Act of May 25, 1924 went into effect, Chinese like other aliens entering the United States are required to be in possession of a passport and a passport visa or immigration visa depending on their immigration status; in spite of that fact, they must also present a "section six certificate." Probably no feature of our immigration laws and procedure, it has often been said, has been more obnoxious to the Chinese than this "section six certificate." Official representatives of the Chinese Government, their family and their staff are not required to have "section six certificates."

Friends of China hold that whatever may have been the case back in the years when the Chinese Exclusion Acts were adopted, "section six certificates" are not necessary under present conditions and that the same is true with respect to certain other regulations which are not applicable to Chinese alone. Since they constitute discrimination against a nation which today is held in high esteem and affection by the people of the United States, they urge the repeal of the Chinese Exclusion Acts in which these requirements are imbedded, and as further recognition of the



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valuable service China is rendering the United States by its courageous resistance to our common enemy Japan, they urge that Chinese be given the same status under our immigration laws as other nations and that those who are already here and the small number who come hereafter be given the right to acquire American citizenship through naturalization.

Of interest in this connection is it that as far back as 1924, the Commissioner General of Immigration, W. V. Husband, declared that the Act of May 26, 1924 rendered the Chinese Exclusion Acts superfluous and in his report for that year advised their repeal. Likewise of interest is the fact that from California, the State which was the most vehement advocate of the Chinese Exclusion Acts back in the eighties, has recently come a request for their repeal; on June 25th, Congressman Mason of Illinois inserted in the Congressional Record (p. A - 3477) a statement from the San Francisco Chamber of Commerce deploring the fact that "our unfortunate method of restriction is being exploited by Japan in its approaches to China" and recommending to Congress "that the basic quota of 105 be granted to China". This is a striking illustration of how widespread support of the movement for repeal is.

It has not been the purpose of this article to take a position for or against the pending legislation. That is the responsibility of the Congress. Here it has been sought to present the pro and cons as they have been so ably advanced at the public hearings and elsewhere.



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September 3, 1943

Honorable Samuel Dickstein
Chairman, Committee on
Immigration and Naturalization
House of Representatives
Washington, D. C.

My dear Mr. Chairman:

This is in response to your request for the views of this Department concerning two bills (H. R. 2942 and H. R. 3070), to repeal the Chinese exclusion laws and to make Chinese residents of the United States eligible for naturalization.

Section 1 of each of the bills would repeal all existing statutory provisions excluding persons of the Chinese race from entry into the United States. Section 2 of H. R. 3070 and Section 3 of H. R. 2942 would apply the immigration quota provisions to Chinese and would allocate all Chinese persons entering the United States as immigrants to the quota for China. Section 3 of H. R. 3070 and Section 4 of H. R. 2942 would extend the existing naturalization laws, which are limited to white persons, persons of African nativity or descent, and descendants of races indigenous to the Western Hemisphere, so as to include Chinese persons and persons of Chinese descent.

The Chinese exclusion laws were enacted during a period when immigration to this country was not restricted by any quota provisions, the quota limitations having been first introduced into the law by the Immigration Act of 1924. The quota restrictions are a sufficient protection to this country against excessive immigration, generally, and against the possibility of an unreasonable number of immigrants from any one country. No useful purpose is being served by retaining the Chinese exclusion laws in effect since under the quota provisions the Chinese quota would be only one hundred persons annually.

The magnificent and heroic accomplishments of the Chinese people as one of the United Nations in the present global war against totalitarianism make it appropriate that China should be treated on a par with other countries. The United States has already entered on this policy by voluntarily relinquishing extraterritorial jurisdiction over Americans in China and abolishing the United States Court for China which for many years exercised jurisdiction over such cases.

Similarly, no reason is perceived why Chinese lawfully admitted to the United States should not be eligible for naturalization. According to the statistics in the possession of the Immigration and Naturalization Service of this Department, the number of Chinese persons resident in the United States and its territories and possessions is approximately



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only 45,000. Under the quota laws the annual immigration of Chinese hereafter cannot exceed one hundred. Consequently, the persons who could be naturalized under the proposed relaxation of the immigration and naturalization statutes would form but a minute addition to our citizenry. The comparatively few Chinese in this country have proven generally to be law-abiding, hard-working and thrifty persons and worthy of recognition.

In the light of the foregoing considerations, I recommend the enactment of appropriate legislation to repeal the Chinese exclusion laws and to extend the privilege of naturalization to Chinese persons lawfully residing in the United States. This objective would be appropriately attained by H. R. 3070.

While H. R. 2942 seeks to attain the same purposes, it contains two sections not found in H. R. 3070. One of these two sections appears to be unnecessary and the other undesirable. Section 2 of H. R. 2942 would abrogate the existing treaty between the United States and China relating to the subject of immigration. This action would be unnecessary if the Chinese exclusion laws are repealed. Section 4 of H. R. 2942 deals with a subject not germane to the legislation. It proposes that for a period of ten years, beginning July 1, 1941, all immigration quotas shall be reduced by one-half, with the limitation that the minimum quota of any nationality shall be one hundred. The maximum immigration permissible under the existing quota laws is 153,774 persons annually. Whether the existing quotas should be increased or decreased involves a profoundly important question of policy, on which I express no opinion, but which should not be covered by a bill dealing with the particular problem of Chinese exclusion.

I recommend the enactment of H. R. 3070.

Sincerely yours,

Attorney General



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Our present attitude of intolerance is proving valuable to Japan in her propaganda campaign to stir up hatred against the western nations. ^{in the East}
[The continuation of our present discriminatory policy ^{may} jeopardizes our friendship with China in the years to come.] ^{China} Her contribution in the long war she has waged against the Axis entitles her to a place of ^{high} recognition and she is determined to have it. The peace which follows this war will be forever insecure so long as we leave weapons in the arsenal of our enemies. For the present we are the trusted friends of the Chinese. They have offered us, in the words of the Generalissimo, "All we are and all we have." We must add to our promise of material help a reciprocal assurance that we stand behind our guarantees.

I am advised that the Chinese population on the continent of the United States is about 40,000 and in Hawaii about 5,000. Few of these persons would be eligible for naturalization since, under the Chinese exclusion laws, practically all Chinese admissions for permanent residence have been denied for sixty years. The quota, if allowed, would be about 105 per year.

The Attorney General has filed a favorable report with the Immigration and Naturalization Committee of the House of Representatives on the pending measures. I urge your favorable action on them.



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November 11, 1943

MEMORANDUM FOR JUDGE ROSENMAN

From: Milton Handler

1. I am attaching a list of the newspapers which commented editorially on the President's message urging the repeal of the Chinese Exclusion Laws. Without exception, these editorials heartily endorsed the proposed repeal.

It is particularly noteworthy that favorable editorials appeared in newspapers on the West Coast. This indicates a heartening change of sentiment in that part of the country.

Would you care to have us send you copies of the editorials?

2. There has been very little editorial comment on the soldiers' education and draft deferment messages. Such comment as there is has, in general, been favorable.

Attachment.

Milton Handler



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List of Editorials on Chinese Exclusion Laws

Bulletin	Philadelphia, Pa.	October 20, 1943
Herald	Miami, Florida	October 13, 1943
Star	Kansas City, Mo.	October 13, 1943
News	Dallas, Texas	October 13, 1943
Eagle	Wichita, Kansas	October 15, 1943
Herald-Dispatch	Huntington, W. Va.	October 15, 1943
Chronicle	San Francisco, Calif.	October 11, 1943
Times	Los Angeles, Calif.	October 12, 1943
News-Sentinel	Knoxville, Tenn.	October 12, 1943
News	Buffalo, New York	October 12, 1943
Courier Journal	Louisville, Ky.	October 12, 1943
News	Daytona Beach, Fla.	October 12, 1943
Daily Worker	New York, N. Y.	October 13, 1943
Register	Des Moines, Iowa	October 14, 1943
Tribune	Tampa, Fla.	October 14, 1943
Free Press	Hurlington, Vermont	October 12, 1943
Chronicle	Houston, Texas	October 13, 1943
Constitution	Atlanta, Ga.	October 12, 1943
Blade	Toledo, Ohio	October 14, 1943
Enquirer	Cincinnati, Ohio	October 14, 1943
Tribune	South Bend, Ind.	October 14, 1943
Citizen-Patriot	Jackson, Mich.	October 12, 1943
Express	San Antonio, Texas	October 14, 1943
Tribune	Johnstown, Pa.	October 18, 1943
Times	New York, N. Y.	October 20, 1943
Star	Muncie, Indiana	October 15, 1943
Gazette	Reno, Nev.	October 13, 1943
Herald Tribune	New York, N. Y.	October 14, 1943
Record	Philadelphia, Pa.	October 14, 1943
Bulletin	Philadelphia, Pa.	October 13, 1943
Enquirer	Columbus, Ga.	October 12, 1943
Jour.-Courier	New Haven, Conn.	October 11, 1943
Post Dispatch	St. Louis, Mo.	October 11, 1943
Post Gazette	Pittsburgh, Pa.	October 9, 1943
Blade	Toledo, Ohio	October 9, 1943
Call	Allentown, Pa.	October 9, 1943
Chronicle	San Francisco, Calif.	October 7, 1943
Post	Washington, D. C.	October 11, 1943
Tennessean	Nashville, Tenn.	October 4, 1943
Star	Washington, D. C.	October 11, 1943
Republican	Springfield, Mass.	October 5, 1943
Herald	Miami, Fla.	October 9, 1943
Constitution	Atlanta, Ga.	October 4, 1943
Post Dispatch	St. Louis, Mo.	October 10, 1943
Times	Los Angeles, Calif.	October 3, 1943
Christian Sc. Monitor	Boston, Mass.	October 5, 1943
Ago-Herald	Birmingham, Ala.	October 6, 1943
Star	Indianapolis, Ind.	October 5, 1943



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Editorials on Chinese Exclusion Laws (Continued)

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Herald
Sun
Times
Berkshire Eagle
Commercial Appeal
Journal
Beacon Journal
Bulletin
Californian
Courier
Courier Journal
Journal
News
News
News-Tribune
Oklahoman
Post
Post Dispatch
Post Dispatch
Press
Post
Statesman
Tele.-Herald

Miami, Florida
Chicago, Illinois
Los Angeles, Calif.
Pittsfield, Mass.
Memphis, Tenn.
Providence, R. I.
Akron, Ohio
Philadelphia, Pa.
Bakersfield, Calif.
Evansville, Ind.
Louisville, Ky.
Providence, R. I.
Washington, D. C.
Wilmington, Delaware
Tacoma, Washington
Oklahoma City, Okla.
Washington, D. C.
St. Louis, Mo.
St. Louis, Mo.
Pittsburgh, Pa.
Washington, D. C.
Boise, Idaho
Dubuque, Iowa

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October 20, 1943



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