

CHINESE EXCLUSION.

THE recent debate in the Senate on the Chinese Exclusion Bill was exceedingly fine and clear-cut. The issues between the pros and cons were distinctly defined. After a few general diatribes had been delivered against the Chinese race, the discussion settled down to a consideration of the disputed points only.

It was universally conceded, except by the senior senator from Massachusetts, that the Chinese laborer should be excluded. It was also contended very generally that we should adopt no legislative act which would violate our treaties with China. Thus, the only question before the Senate was whether the pending bill was contrary to the provisions of these treaties. The bill was drastic, and purported to codify all the statutes relating to Chinese exclusion, as well as the rules made by the Treasury Department interpreting these laws and prescribing the modes of procedure under them.

On the carefully claimed premise that no proposed legislation should violate a treaty, it was apparent that some of the clauses in the bill were untenable. If the treaties refer to laborers as the only class which is to be excluded, there would seem to be nothing remaining to do except to define the meaning of that word, and thenceforth all other classes would be admitted. Unfortunately for this construction there are in the last treaty other clauses which undertake to define affirmatively what classes may come to this country. For instance, the third clause of the treaty of December 7, 1894, reads as follows:

The provisions of the convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travellers for curiosity or pleasure, but not laborers, of coming to the United States.

From this clause the Treasury officials argue that nobody except members of the classes named can come to this country. They assert that every person who does not belong to one of the above-named exempt classes is, according to the treaty, a laborer. One Attorney General has interpreted the treaties to mean that all Chinese are to be held to be laborers except officials, teachers, students, merchants, and travellers.

Although this construction was greatly criticised it seems to be correct. Immediately following the clause above cited, being a part of the same paragraph, there follow these words:

To entitle such Chinese subjects as are above described to admission in the United States they may produce a certificate either from their Government, or from the Government where they last resided, viséd by the diplomatic or consular representatives of the United States in the country, or port, whence they depart.

It thus appears that, under the terms of the treaty, only certain classes, "such as are above described," were required to have certificates, while all the other classes were left free to come to this country without having any certificate whatever, unless it were agreed that the designated classes were the only classes which could enter the United States. It cannot be possible that the framers of the treaty meant that officials, teachers, students, merchants, and travellers only should be required to have certificates, and that all the rest of the enormous population might come into the United States unchallenged. It therefore follows that the interpretation of our officials is the correct one, and that the treaty of 1894 does mean that laborers and all other classes are excluded except officials, teachers, students, merchants, and travellers.

This construction is supported also by the legal maxim, "*expressio unius est exclusio alterius*." It is stated that some courts have held to this opinion. There is nothing unreasonable in China's agreeing that all her population except certain defined classes should be excluded from a foreign country. Her form of government and the customs of her people all look toward seclusion from the rest of the world.

Some of the definitions made by the Treasury officials were untenable. A fine opportunity for ridicule was found in the definition of teachers, students, merchants, and travellers. The compiler of a dictionary would make his fortune by studying this bill. A teacher, for instance, means:

One who, for not less than two years next preceding his application for entry into the United States, has been continuously engaged in giving instruction in the higher branches of education, and who proves to the satisfaction of the appropriate Treasury officer that he is qualified to teach such higher branches, and has completed arrangements to teach in a recognized institution of learning in the United States, and intends to pursue no other occupation than teaching while in the United States.

Perhaps the finest part of this screed is the proof of qualifications to be made to the Treasury officer. The examination of the teacher would be something like that of the colored applicant for a vote in the South who is required to expound the Constitution to an Election Board — it would hardly ever be satisfactory.

Of all the people in China, the Chinese teacher is best known. He is in evidence everywhere. He is found in all the legations, consulates, and *hongs*. Every one occupied in China has a teacher, who does the writing for his employer, for foreigners seldom learn to write Chinese. He belongs to the class of literati, but is among those who cannot get an official appointment. From the literati come the doctors, the *yamen* runners, and the teachers. If China knew anything at all she knew what a teacher was; but, diplomatically speaking, it is evident that she knew nothing. In the above definition we have clearly got the advantage of the heathen Chinese.

China was also pretty well posted on the meaning of the word "student." She had sent a batch of thirty students to this country to be educated at our colleges. She has sent students to Japan, and is about to send some to other countries, though, possibly, not to the United States. She has many colleges. In Canton alone there are thirty. Besides, missionary colleges are common in China. In the competitive examinations she has many thousand students. And there is at least one university. But all China's knowledge of students never taught her the real meaning of the word. According to the recently pending bill it means:

One who intends to pursue some of the higher branches of study, or to be fitted for some particular profession or occupation for which facilities for study are not afforded in the foreign country or the territory of the United States whence he comes, and for whose support while studying sufficient provision has been made, and who intends to depart from the territory of the United States immediately on the completion of his studies.

That a man should be excluded who comes to this country to learn English or the ordinary branches of education can only be accounted for by the fact that coolies sometimes pretend to be students. Our officers have become suspicious and now want to adopt the simple plan of excluding all the Chinese.

A merchant who desires to come to this country is not quite so badly off as his brother exempts, but he would have hard work to squeeze in. He must have been engaged in buying and selling merchandise at a fixed place of business, and have done no manual labor except such as his business made necessary; and if he comes from China, or from a part of our country, or a foreign country, the applicant must have been a merchant for one year, and have means at his command, and have made arrangements toward being the owner, or part owner, of a good-faith mercantile business. The Treasury officials will have no

experiments. All the arrangements must be made beforehand. Evidently the Chinese merchant had better stay at home.

The traveller has a rather easier condition to fulfil. He must satisfy the Treasury official that he has in hand plenty of money, and that all he wants to do is to have pleasure, or to gratify his curiosity, and that he will go away as soon as he has done so.

It is understood that all these definitions are in force to-day, and it is probable that they will so remain, but they will not have behind them the sanction of a statute, because the bill thus analyzed has failed in the Senate.

This account would seem to be condemnatory of the Treasury officials; but they are no doubt perfectly honest in their interpretation of the laws and the treaties. They are confronted with the great problem of excluding laborers; and these people assume all sorts of disguises and practise all kinds of fraud for the sake of gaining entrance into our country. It cannot, nevertheless, be expected that such absurd definitions of common words as are given above can be crystallized into solemn laws. Even if an occasional laborer sneaks into the country, it cannot be expected that the Congress of the United States will gravely declare that there are no teachers except those who teach the higher branches, etc., etc.

The present law requires that all Chinese desiring to enter the United States shall procure a certificate from their own Government, which shall be viséd by a consul, stating in detail the occupation and biography of the applicant. This system, however, is not satisfactory. It throws too much work on the consuls. These officials are stationed along the sea coast or on the Yangtze. Behind them is a vast country containing four hundred millions of people. A man comes from the interior, thousands of miles away from a port, bearing a certificate signed by a Chinese superintendent of customs, which in the most minute manner purports to detail the man's former life, his birthplace, his occupation, the value of his business if he is a merchant, his family, individual, and tribal name, and many other particulars. Now how can the consul verify these statements? He would have to take proof a great distance away in the interior. If he relied on the declarations of those persons who claimed to know the man in the port, nine times out of ten he might be deceived by false testimony. It is impossible that the work of the consul in connection with viséing these certificates should be judicial, or anything more than perfunctory. In fact, the consul is forced to take the certificate of the superintendent of customs as true.

The matter, therefore, of the admission of non-laborers passes entirely out of our hands, and is lodged in those of the Chinese officials. It is not necessary to indulge in denunciation of the want of integrity of those officials. In no country would it be right to undertake to carry out a system of exclusion by putting all the machinery of its execution in the hands of foreign officials, whose interests might be directly opposed to the purposes in view. It must be conceded that the whole system is defective, leading on the one side to the perversion of plain language, and on the other to perjury and law-breaking.

Probably the best solution of the matter at present is the Platt substitute, which keeps in force all the existing statutes until the expiration of the treaty of 1894—that is, December 7, 1904. This delay gives us time to consider the whole subject, and to devise a better scheme of exclusion than we now have. Taught by experience, it may be safely predicted that the American people will no longer content themselves with statutes under which it can be claimed that no Chinese subjects except laborers are excluded. They will not open the door wide to Boxers, beggars, traders—all classes, in fact, that do no manual labor. The fight is a racial one rather than warfare against a class. It certainly will not do to throw this country, or its dependencies, wide open to all classes except laborers. Few men in this country, except those whose interests in some form are antagonized by exclusion, believe that this immigration is desirable. It is generally conceded that it is a permanent menace to our civilization.

The stubbornness of the Chinese, their segregation by themselves in all communities, their absolute denegation of all interest in public affairs, their inveterate hoarding of their gains, the cheapness of their living, their ignorance and superstitions—these are some of the things which particularly distinguish them, and which make them undesirable immigrants. They never have become assimilated with any foreign community, and the same objections that we make to them are current in Hongkong, Singapore, Colombo, Australia, New Zealand, the Philippines, and everywhere that they have settled. Their great numbers are also against them. Had it not been for the most energetic efforts of the people on the Pacific slope the civilization of that region would have been wrecked. At fifty-five dollars a head, while transportation costs only five dollars, the steamship companies would have conveyed millions of immigrants to our shores. Let us remember what was done in sending coolies from Macao to South America until the civilized world broke up the trade. The labor question is only one branch of the gen-

eral subject. The interest of our workingman is the interest of all other classes. To supplant our own laborers by those who work for a few cents a day would involve all branches of business in a common ruin.

But what we do we should do openly and honorably, and not under cover of a strained interpretation of words. We should declare that a certain number of students may come to this country, as well as a certain number of merchants, and a certain number of other classes if desirable, and the remainder should be excluded. Surveillance should be exercised over the persons so admitted in order that they might not become laborers. Our trade relations with China are promising, and they ought not to be disturbed by the enactment of unnecessary and unjust laws. A respectable Chinese merchant engaged in business in China and desirous of doing business with the United States should be encouraged to come to this country and to buy supplies here. If we are to lose our trade with China, one of the main objects of acquiring the Philippines will be defeated.

South Carolina and Alabama owe the remarkable development of their cotton manufacture to China. Their coarse sheeting finds a market there, especially in Manchuria, where the climate is cold. If these mills were driven to manufacture lighter goods, their products would in a great measure compete with those of New England. In South Carolina there were in 1900 eighty mills, with a capital of \$39,258,964, employing 30,201 wage-earners, and turning out products valued at \$29,723,914. Of the export demand for these products sixty per cent goes to China. Our whole export trade with China last year amounted to \$28,000,000. Of course, we should do nothing to imperil this trade, but should on the other hand seek to increase it.

I do not believe, however, that any disastrous result would follow from our adherence to the doctrine of exclusion which has become our settled policy. The Chinese Government relegates all questions of trade to the merchants. It takes no interest in such questions, and it cannot understand why the foreign powers are eternally talking about trade.

Owing chiefly to the interest which the missionaries and their friends take in Chinese matters, it is the fashion to be very sympathetic with that country — even since the terrible riots of 1900. It is pretended that the Chinese are exceedingly liberal to foreigners. The truth is that every right that the foreigner has in China has been acquired by the use of arms. Nothing has been conceded except to force. The wars carried on by Great Britain alone, and afterward by France allied with her, were the instrumentalities which opened up China to foreign trade.

If we leave out the Christian converts, the foreigners have no friends in China. Two years ago the Government and the people joined in a terrible effort to massacre all the foreigners. They succeeded in murdering 240 of the men and women who had devoted their lives to the service of China, and they barely failed to kill all the foreigners in the Northern provinces who were beleaguered in the British Legation and the Peitang.

Even now the Chinese have in some respects more rights in our country than we have in theirs. They have no extra-territorial judicial system here as we have in all non-Christian countries, except Japan; but once in our borders they can go where they please in forty-five States and half a dozen Territories, while the foreigner — except the missionary — can reside nowhere except in the treaty ports. Their lives, too, are safe here except on rare occasions. No class is arrayed against them except the labor class. In China, riots are the order of the day. Not long ago there were twenty-two in one year. The bloody riots at Tientsin and Kutien will never be forgotten. Who believes that foreign life is safe in China to-day? Who puts any faith in a government which since 1858 has been bound by the most solemn treaties to protect the foreigner, but has rarely made any attempt to do so? Who denies that if the Chinese Government had so willed, foreign life would have been as safe in the interior as Chinese life has been in Indiana? Riot after riot and murder after murder have disgraced the annals of China for fifty years. The viceroys, the governors, and the magistrates have scarcely raised a hand to stop the vicious, murderous throngs which, passing by their *yamens* and through the ranks of Chinese soldiers, have perpetrated the most detestable crimes. Always the diplomatic corps presses for the punishment of delinquent officials; and it was only when six nations sent troops to China that an official ever was properly punished.

In spite of all this we must see to it that our own legislation concerning China conforms with our own ideas of propriety, morality, and justice. Possibly, taught by terrible experience, she may conform herself hereafter to the usages of civilized nations, and then she will receive from the foreign powers the treatment which civilized governments accord to each other.

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GERMANY AS A WORLD POWER.

WHEN Bismarck retired, twelve years ago, Germany was no world power. She was a country which, in a military sense, was considered preëminent in Europe, and which, by reason of the tripartite agreement between her, Austria, and Italy, filled a leading position, in a political sense, on the Continent. But a world power she was not. The very word had not then been coined. It was before the series of startling events that has since transformed the whole situation in the Far East, and has brought Japan and China into the family of nations as potent factors. It was before the Spanish-American war, which, in two hemispheres, projected the United States into the very midst of the political arena. There have seldom been ten years in the world's history which have wrought such radical changes, changes of such far-reaching importance, as those since 1892. The world at large has as yet scarcely gained the right focus for viewing those momentous happenings. Next to this country it is Germany that has most largely profited from the new situation.

It was the Kaiser who was the first in Germany to speak of his nation as a world power. It was in one of the most felicitous speeches he ever made — on the launching of a gigantic ocean greyhound — that he used the term. He did not define his meaning of the word except by inference, but he was generally understood. What he meant was that Germany, transformed into one of the three leading exporting and naval powers, expansive as a shipping and colonial nation, and rapidly growing as an industrial and manufacturing centre, must needs enlarge her mental horizon, and reckon not only with her continental neighbors, not only with Europe, but with the whole globe as a competitor, customer, friend, or foe. She must extend her political and commercial influence all over the world, and must have ships on every sea as well as merchants in every port. As the Kaiser expressed the same idea, on a later occasion, in graphic, though somewhat boastful, language: "Nothing must be done anywhere on the globe without the sanction of Germany's ruler."

This, in a nutshell, is his conception of Germany as a world power.