The Chinese first came to America in 1848, with the discovery of gold in California. At first they were rather welcome because these "almond-eyed Celestials" were quite willing to do the work which white prospectors felt it beneath their dignity or too unremunerative (or above their ability?) to do. This work consisted of cooking, laundering etc. They were also quite patient in working over old claims which the white miners had stopped working because of the small returns yielded. Within twenty years, in 1868, the United States concluded the Burlingame Treaty with China whereby the Chinese were accorded unrestricted immigration under the same conditions as applied to the immigrants from other countries, and arriving Chinamen were guaranteed the same treatment as that accorded the citizens of most favored nations. The Burlingame Treaty was concluded largely through the efforts of Anson Burlingame, our former minister to China, who had acquired the confidence of the Chinese to such a degree that they asked him to represent China in the negotiations. And it was not long before the increasing number and influence of Chinese coolies, as the imported laborers were called, began to be seriously felt by the white working population. Thousands of coolies were imported by Leland Stanford to work on the Central Pacific Railroad. According to his own statement, nine-tenths of all the employees engaged in building the great Trans-Continental Road were Chinese, for one reason because white men found it more profitable, or more to their liking, to work the mines, and also because Chinese labor was cheap, or at least cheaper. (Stanford considered them excellent, willing, industrious and intelligent workers, agile, and quick to learn.) Incidentally Bret Harte (and who has not read his stories of the "heathen Chinee"?) is credited with being the first to apply the term "cheap labor" to the Chinese immigrants. When the last spike was driven on the Central Pacific in 1869, thousands of Chinese laborers were of course discharged and they had of necessity to engage in other occupations. Thus in 1870, for example, in order to break a strike among shoemakers in North Adams, Massachusetts, the employers had Chinese shoemakers bring all the way from California to take the places of the striking men.

It is not hard to understand why there should have been a violent dislike of the Chinese by the Westerners, and in particular by the Californians. By 1870 there were over 80,000 Chinese in America of whom nearly 50,000 were in California and all but 467 were west of the Rocky Mountains. (There were very few Chinese women here inasmuch as the Chinamen who came did not expect to stay and settle here permanently.) While American laborers were parading the streets with banners marked "Four dollars a day and roast beef," (in 1877) Chinamen were quite content to live on rice, and accordingly could work for wages on which white workmen would starve. Also say nothing of their inability to provide for a family. (Hence the Gompers-Gutstadt A.F.of L. pamphlet of December 1901 entitled "Meat vs. Rice" and demanding re-enactment of the Geary Chinese Exclusion Act of 1892, which was due to expire in 1908.) Moreover Chinese workers were not agitating for an eight-hour day, as was organized white labor, and were quite willing to work even sixteen and more hours a day.
Like Benjamin Franklin in his print shop in Philadelphia, one could see them hard at work in the morning when others were just getting up, and still hard at work at night when others were already resting after the day's honest labor. Coming from the lower classes of a country where the standards of private life and sanitation are lower in general than those of the more "civilized" countries, there were quite content to violate Cubic Air Ordinances and Tenement House Laws thereby endangering not only their own health, but also that of the white population, and incidentally spending an almost negligible amount for rent, preferring to live in filth and discomfort if they could thereby save more money. Furthermore their morality, or rather immorality, was, from the "civilized" point of view, shocking—but then New Orleans had no Chinamen. And when they had "made their pile" they went back to the Celestial Empire and lived a life of ease on good American money, only to be replaced here by ship-loads of fellow "barbarians." The truth of the matter probably is that the Chinamen had done their share in building up California, its railroads, its fruiteries, and some of its industries like laundering and cigar-making, all of which had been too menial and unprofitable for the white men in the "prospecting" days, and were now no longer needed and therefore no longer wanted. And yet they continued to come into the Golden State in greater numbers than ever. Hatred and fear are very closely related, and the Californians hated the Chinamen. Add to this municipal governments as corrupt and rotten as those of New York under the Boss Tweed, and of Philadelphia under the Gas Ring, and further, a notoriously small police force, and it is small wonder that any new calamity, no matter what its cause, should result in the rush of frenzied mobs and hoodlums "to Chinatown!" And San Francisco was not unique in this respect among Californian cities. In 1871 a Los Angeles mob (of Christians) attacked its Chinatown and shot or lynched between twenty and thirty of the heathens.

Throughout the seventies then, as Haworth puts it, "attacks upon Chinese quarters formed—a reasonably safe sort of diversion." And the popular antipathy toward the "little brown men" was shared by the municipal and State authorities on the Pacific coast and the members of Congress from that region. The victims rarely could or would put up an effective resistance, and the Chinese Government was in no condition to protest in protection of its nationals. The fact that the Chinese were non-aggressively most often.

With this introduction, we come to the great anti-Chinese movement of 1877-1880, the Kearney movement. The best sources for this movement ought of course to be the files of contemporary San Francisco newspapers, especially the Chronicle and the Call, two rival "independent" papers—but most of what these report is probably untrustworthy. Henry George, who was in San Francisco at the time, and was an eye witness of the troubles, published a rather complete account in the Popular Science Monthly for August 1880, and that remains, perhaps, the best account. Another is to be found in Vol. IV of Theodore Hittell's "History of California." Still another in Vol. II of Bryce's "American Commonwealth." He went to San Francisco twice to get material but found very little because "people were unwilling
to talk about the Kearney agitation, feeling—rather ashamed of it, and annoyed that so much should have been made of it—in the Eastern States." He relied largely on the article by Henry George referred to above. W. J. Davis in his "History of Political Conventions in California" pp. 374ff devotes some space to the movement, and an interesting side-light is thrown on the struggle in a private letter written by Chas. A. Sumner from San Francisco to a friend, James Whitmore, in East Shelby, New York, in November 1879, inveighing against Kearney and the so-called "independent" press of San Francisco. The letter was printed and a copy may be found in the N.Y. Public Library. There is also a pamphlet entitled "The California Workingmen's Party: An Epitome of its Rise and Progress" with biographies of Kearney and other leaders appended, published by the party itself, and therefore is very favorably colored.

The attitude of the American Federation of Labor to the Chinese question is evidenced by a resolution passed at the annual convention of 1881, to wit:

"Whereas, The experience of the last thirty years in California and on the Pacific Coast having proved conclusively that the presence of Chinese and their competition with free white labor is one of the greatest evils with which any country can be afflicted; therefore, be it

Resolved, That we use our best efforts to get rid of this monstrous evil (which threatens, unless checked, to extend to other parts of the Union) by the dissemination of information respecting its true character and by urging upon our Representatives in the United States Congress the absolute necessity of passing laws entirely prohibiting the immigration of Chinese into the United States."

In December 1901 Gompers made a speech in the course of which he said: "I would not tolerate or stand by or permit, as far as my powers or opportunity may afford, that the rights of our weakest fellow-worker shall be trampled upon." And in the same year he wrote his pamphlet on "Meat vs Rice" in which he more than trampled upon the rights of Chinese. His attitude to foreign labor in general, and that means the attitude of the entire Federation, was simply tolerance for workingmen who were members of unions affiliated with the Federation or the Railway Brotherhoods, but intolerance for everybody else. The frontispiece to the pamphlet "Meat vs Rice" is a cartoon taken from the Philadelphia North American, entitled "The American Gulliver and Chinese Lilliputians." It represents "American Labor" spiked to the ground with the bonds of "Cheap Labor", "Feather Competition", "Starvation Wages", etc. and surrounded by a swarm of Chinamen a la Lilliput. It is one of the most striking, and perhaps hence effective, of all anti-Chinese cartoons I have seen.
The general tenor of the Summer's letter can be gleaned from the following quotation, in which he calls Denis Kearney "a dirty dog, incapable of appreciating a sentiment of decency, and unacquainted with a shrunken conscience." Again, he states, and this is undoubtedly true, in place of the normal immigration of well-to-do and respectable Easterners to California, who were frightened into remaining back East by Kearney's harangues, California had, during the hey-day his power and notoriety, "an unusual incoming of tramps, bummers, and thieves of every description; into whose unclean ears Kearney's widely reported, bombastic speech, blackguardism and stereotyped communistic calls, have been so many personal summons--to borrow, beg and steal money enough for a ride to California."

The Kearney Movement.
From Henry George's article: "There is, however, a peculiar local factor which I am persuaded has not been without importance. This is an intangible thing--a mere memory. But such intangible things are often most potent. Just as the memory of previous revolutions has disposed the discontented Parisian to think of barricades and the march to the Hotel de Ville, so has the memory of the Vigilance Committee accustomed San Franciscans to think of extra-legal associations and methods as the last but sovereign resort. These ideas have been current among a different class from that which mans the Paris barricades. The Vigilance Committee of 1856, as most of the California Vigilance Committee's, was organized and led by the mercantile class, and in that class its memories have survived. The wild talk of the 'sand-lot' about hanging official thieves and renegade representatives, and the armed organizations of workingmen, which have seemed at the East like the importations of foreign communism, are in large part reflections and exaggerations of ideas current in San Francisco counting-rooms and bank-parlors. And it must be remembered in estimating the influence of this idea, that the Vigilance Committee of 1856 was not merely successful in its immediate purposes, but gave birth to a political organization that for many years thereafter managed the local government and disposed of all its large prizes. In 1856 the Vigilance Committee was a necessity because there was no strong local or central government to handle matters, but the "pick-handle brigade" during the Kearney movement was unjustified on these grounds and was really unnecessary for the duly constituted authorities were quite capable of coping with the movement.

"Yet, acting with and running through this, has been, I think, a wider and more generally diffused feeling the disposition toward sharp repressive measures which is aroused among the wealthy classes by symptoms of dissatisfaction and aggression among the poor. That this feeling has of late years been growing throughout the Union many indications show.

"Be all this as it may, the impulse that began these California agitations came from the East. For the genesis of Kearneyism, or rather for the shock that set in motion forces that social and political discontent had been generating, we must look to Pittsburgh and to the great railroad strikes of 1877."
"In California, where a similar strike was about beginning—for the railroad company had given notice of a like reduction of wages—these strikes created an interest that became intense when the telegraph told of the burning and fighting in Pittsburgh. The railroad magnates, becoming alarmed, rescinded their notice, but in the meantime a meeting to express sympathy with the Eastern strikers had been called for the sand lot in front of the new City Hall. This meeting was called in response to a request of Eastern labor papers but happened to fall amid the excitement caused by the Pittsburgh riot. The overzealous authorities, catching, perhaps, the alarm that had induced the railroad managers to rescind their reduction, arrested men who were carrying placards advertising the meeting. In the excitement, wild reports flew through the city that an incendiary meeting was to be held, and an attempt made to burn the Pacific Mail Docks and the Chinese quarter. The meeting was held by the authorities soon saw that there was no reason for preventing it. There was no talk of lawlessness or allusion to the Chinese on the part of the promoters of the meeting or their speeches, but the excitement showed itself by the raising on the outskirts of the immense crowd, of the cry, 'To Chinatown!' a movement promptly stopped by the police; and in remote districts some Chinese wash-houses were raided by gangs of boys. The papers—sensational to the last degree—made the most of this the next morning, and, in the excitement that the Eastern news had created, a meeting, held in the rooms of the Chamber of Commerce, organized a Committee of Public Safety, with the President of the Vigilance Committee of 1856 [Wm. T. Coleman] at its head, the hint being probably given by a telegram that the citizens of Pittsburgh had restored order by organizing a force armed with baseball bats. In San Francisco the pick-handle was chosen instead, and for some days a large number of men so armed perambulated the streets. There was not the slightest necessity for this extra-legal organization and parade; but, while San Francisco was represented to the world as a city on the verge of riot and anarchy, a strong feeling of class irritation was engendered. It is interesting to note that Coleman called on the Federal Government for aid and General McDowell was ordered from Washington to supply the Committee with any arms or ammunition that it might requisition. Thus the Committee had plenty of guns at its disposal but Coleman preferred to keep them in case of emergency and to see how far he could get with his six thousand hickory pick-handles, so as to avoid unnecessary bloodshed.

To go back a bit, the causes for the movement, as outlined by Bryce, Vol. II, 450 ff, are as follows:

"In 1877 California was suffering from 'hard times.' The severe commercial depression which began in the Eastern States in 1873, and touched the lowest point about 1879, had reached the Pacific coast, and was aggravated there by a heavy fall in mining stocks. The great Bonanza finds some years before had ushered in a period of wild speculation. Everybody gambled in stocks, from railroad kings down to maidservants. Stocks had now fallen, and everybody was hard hit. The railroad kings could stand their losses, but the clerks and shop assistants and workmen suffered, for their savings were gone and many were left heavily in debt,
with their houses mortgaged and no hope for redemption. Trade was bad, work was scarce, and for what there was of it, the Chinese, willing to take only half the ordinary wages, competed with the white laborer. The mob of San Francisco, swelled by disappointed miners, from the camps, and laborers out of work, men lured from distant homes by the hope of wealth and ease in the land of gold, saw itself on the verge of starvation while the splendid mansions of speculators, who fifteen years before had kept little shops, rose along the heights of the city, and the newspapers reported their luxurious banquets. In the country the farmers were scarcely less discontented. They, too, had gone "into stocks," their farms were mortgaged, and many of them were bankrupt. They complained that the railroads crushed them by heavy rates, and asked why they, the bone and sinew of the country, should toil without profit, while local millionaires and wealthy Eastern bondholders drew large incomes from the traffic which the plough of the agriculturist and the pick-axe of the miner had created.

"Neither Democrat or Republicans had done, or seemed likely to do, anything to remove these evils or to improve the lot of the people. They were only seeking (so men thought) places or the chances of jobs for themselves, and could always be bought by a powerful corporation. Working men must help themselves; there must be newer methods and a new departure. Everything, in short, was ripe for a demagogue. Fate was kind to the Californians in sending them a demagogue of a common type, noisy and confident, but with neither political fore-sight nor constructive talent."

Denis Kearney.

To continue from George's article: "Among those who carried a pick-handle in this 'pick-handle brigade,' as it was christened, was an Irish drayman, who has since become famous. Denis Kearney, a man of strict temperance in all except speech, had built up a good business in draying for mercantile houses, and accumulated, besides his horses and drays, a comfortable little property. Up to this time he had taken no part in politics, except to parade in torchlight processions as a 'Hayes Invincible,' but for some two years had been a constant attendant at a sort of free debating club, held on Sunday afternoons, and styled the Lyceum of Self Culture, where he had gradually learned to speak in public, though the temperance which he practiced and preached as to liquor and tobacco did not extend to opinions or their expression. He was noticeable not only for the bitter vulgarity of his attacks upon all forms of religion, — but for the venom with which he abused the working classes, and took on every occasion what passed for the capitalistic side. With all the vehemence with which he has since inveighed against 'thieving capitalists' and 'lecherous bondholders,' he denounced the laziness and extravagance of workingmen, declared that wages were far too high, and defended Chinese immigration. Whether, with the suddenness not unnatural to such extremists, Kearney really changed his opinions while carrying his pick-handle, the change being hastened by some recent
losses in stocks, or whether he merely realized what political
possibilities lay in the general feeling of discontent and
irritation, and how easily in times of excitement men may be
organized, makes little difference. He laid down his pick-handle,
to put his dray in charge of a brother, and go into politics."
(Incidentally, this change of front caused many of his
patrons to dispense with his draying services.)

Hittell, in his History of California, has this to say
of Kearney: "A demagogue of considerable boldness and force, and
for a while of extraordinary success, soon appeared. This was
Denis Kearney, an Irish drayman, born in County Cork, about thirty
years of age, who arrived in California in 1868 and was naturalized
in 1876. In person he was short and stout, what is called thick-
set, of coarse features, restless dark eyes, cramped black hair
that stood up, quick motions, and loud, penetrating voice. For ten
years before his arrival in San Francisco he had followed the
sea, and in 1868 he came there as first officer of the clipper
'Shooting Star,' having sailed most of the time under the United
States flag.) He was not a scholar; but he had picked up consi-
derable information from newspapers and political pamphlets, and
some practice in speaking at clubs and labor unions, where he
would work himself up into a white heat declaiming against
capital, monopoly, and Chinese immigration. It was said that, on
one occasion, he appeared, as a representative of a tradesmen's
society, before U.S. Senator Sargent and urged upon him certain
actions; that Sargent declined and gave his reasons, which did
not strike Kearney as convincing; that he retired, stating that
he did not see why he could not become as great a man as Sargent,
and that he thereupon set to work with a determination to become
even greater. However this may have been, he at once threw himself,
as it were, into the so-called Workingmen's movement, which had
already started, and soon took a prominent part in it. In August
(1877) he advocated the organization of a new party to be called
the Workingmen's Trade and Labor Union, which name however was at
a subsequent meeting changed to that of the Workingman's Party of
California, but, on account of the fact that its principal meetings
were from about that time held every Sunday afternoon on the
vacant lots in front of the new city hall, it was usually known
as the 'Sand-lots' party." (IV:500-600)

In a letter to Bryce, Kearney explained the formation of
this party as follows: "In September, 1877, immediately after the
general State, municipal and congressional elections, I called a
meeting of workingmen and others to discuss publicly the pro-
priety of permanently organizing for the purpose of holding the
politicians up to the pledges made to the people before an election.
---I made up my mind that if our civilization-California civi-
lization was to continue, Chinese immigration must be stopped; and
I saw in the people the power to enforce that 'must.' Hence the
meeting. This meeting resolved itself into a permanent organi-
zation, and 'resolved' in favor of a 'red-hot' agitation. I was,
in spite of my earnest protests, elected President of this new or-
organization, with instructions from the meeting to 'push the or-
ganization' throughout the City and State without delay. Our aim was to press Congress to take action against the Chinese at its next sitting." (Bryce, II, Appendix, 257-258)

The early Sand-lot meetings were in general attended by what Bryce calls "hoodlums and other ragamuffins" although Kearney claimed that they raised from $500 to $1000 at some of these meetings which should have been impossible if the audience had been drawn from those classes only. At any rate there was not much interest displayed in the meetings at first except among the lower classes. This was changed when the San Francisco Chronicle, independent, which had a smaller circulation than the rival Morning Call, began devoting much space to Kearney's speeches in an attempt to cater to the working classes and secure their subscriptions and support of the paper. It was said that the Chronicle 'doctored' Kearney's speeches so as to make them sound intelligent but Kearney denied this too, saying that they "garbled and misrepresented" his speeches on every occasion. Nevertheless it seems that Kearney, in return for the publicity given the movement of which he was the head, urged the workmen to support and but the Chronicle rather than the Call, the other important San Francisco paper. "The activity of the Chronicle counted for much, for it was ably written, went everywhere, and continued to give a point and force to Kearney's harangues, which made them not less effective in print than even his voice had made them to the listening crowds." Moreover the Morning Call, anxious to benefit by the popularity of the movement, followed the lead of the Chronicle and also supported Kearney and reported his activities. Kearney was shrewd enough not only to retain the support and backing of the populace, to remain within the law, pretty much, as well. He always went around dressed as a workman; he refused to run for any office; he was, like Robespierre, "incomparable"; he constantly threatened the rich with fire and gibbet, but refrained from advocating violence on the spot. And, as Bryce puts it, "his position was finally assured" when he was arrested for making inflammatory speeches at a meeting on Nob Hill. He was arrested several times, becoming more popular. His speeches on Nob Hill were well calculated to make the blood of the rich curdle. From Nob Hill it is only a step to the palatial residences of the managers of the Central Pacific, and there Kearney told his audiences that the best thing that could happen would be the destruction by fire of those very residences. And this was made even more ominous by the presence of huge bonfires which were lit at every meeting, "so as to direct the people where to go", as Kearney wrote. During the course of one of these harangues Kearney read a description of the burning of Moscow and hinted that such a burning of San Francisco might be in order, although here, as everywhere else, he was careful to point out that the destruction should not be carried then and there. And, equally important, Kearney, Cato-like, ended every one of his speeches with the admonition: "And whatever happens, the Chinese must go."

This was a great point in his favor, and in favor of any new party because the Chinese were the greatest bugaboo of the Californians and neither the Democrats nor the Republicans had done anything effective in the way of stopping Chinese immigration. They had passed some State laws which were either unconstitutional or no
good, and they had not been able to get any Federal legislation on the subject passed.

Once, after his release from prison, Kearney was paraded through the streets of the city by his followers, in one of his own drays, and they crowned him with flowers while newspaper reporters were trying their best to get interviews. (There is a picture of this triumphal procession in E.B. Andrews "History of the Last Quarter Century in the United States, 1870-1896" Vol. I)

The W.P.C., as the party was called, soon formed branches in other California cities, and many Grangers were attracted, so that the party was able to force the calling of a Constitutional convention, to which many workingmen's representatives were elected. As far as we concerned the important part of the Constitution is that dealing with the Chinese question. This is summarized by Bryce as follows: "it forbids all Chinese corporations to employ any Chinese, bars them from the suffrage (thereby attempting to transgress the Fifteenth Amendment to the Constitution), it forbids their employment on any public works, annuls all contracts for 'coolie labor,' directs the legislature to provide for the punishment of any company which shall import Chinese, to impose conditions on the residence of Chinese, and to cause their removal if they fail to observe these conditions."

The election of a conservative Republican administration in California in the elections of 1880 was a damper on the spirit of the Constitution. The letter but not the spirit was carried out, so that even most of the bills against the Chinese which were brought in were defeated.

Federal legislation on the Chinese immigration question is aptly summarized by Prof. Muzzey in the following words: "A bill passed Congress in January, 1879, instructing the President to notify the Chinese Government that the privilege of free immigration accorded to its subjects by the Burlingame Treaty would cease after the first day of July ensuing; but Hayes very properly vetoed this unilateral abrogation of an international agreement, and sent a commission to China to secure such modification of the treaty as would protect American labor. The Chinese Government courteously agreed to an amendment which permitted the United States to 'regulate, limit, or suspend' (but not to prohibit absolutely) the immigration of Chinese laborers, whenever such immigration tended to harm the interests of our country. On the basis of the modified treaty Congress passed a bill in the spring of 1882 forbidding the entrance of Chinese laborers into the country for a period of twenty years. This bill President Arthur vetoed on the ground that the 'suspension' of immigration for so long a period was virtually a 'prohibition' of it. He suggested 'a shorter experiment'; and Congress, unable to secure the two-thirds majority to pass the bill over the President's veto, reduced the term to ten years. Arthur signed this bill on May 6. So far as the results were concerned, he might as well have signed the first bill; for the exclusion of Chinese labor was renewed by the Geary Act at the close of the ten-year period, and became the established policy of the country." (II, 154-155)
As for Kearney, after the Constitutional Convention of 1879, in California, he went on a stumping tour in the East speaking on behalf of the Labor Party in New York, and urging his audiences to petition Congress to stop Chinese immigration. When he returned to California he settled down to provide for his family and gradually disappeared from politics. His "mob oratory" lost its force with the return of normal conditions and the people had become tired of listened to his florid and impassioned harangues. He died in 1907 at the age of sixty.

California, of course, was not the only place where Chinamen were persecuted. In Wyoming, for example, there was a wholesale massacre of Chinamen in the mines, in 1885. A full description of this is to be found in Isaac H. Bromley's "Chinese Massacre at Rock Springs, Wyoming, September 2, 1885." Published by the Franklin Press, Boston, 1886. And as to the movement in Washington, Oregon etc., there is an excellent account in Alex. Howard Menesey's "Anti-Chinese Movement in the North-West." This is an M.A. Thesis of the Univ. of Washington, 1922.

It may be of interest to note that the official ballot of the Workingman's Part of California had as its heading a huge boot kicking a Chinaman into the Pacific Ocean.

As for articles in periodicals, Menesey's thesis refers to a great many, giving specific references in the bibliography. In general the Nation is taken as presenting the pro-Chinese side of the question, while the Overland Monthly, published in San Francisco, is anti-Chinese. In general most of these articles do not amount to very much because of the partiality and bias. In the late seventies, for example, the Board of Supervisors of San Francisco had a committee investigate conditions in the Chinese quarter. Naturally they found indescribable conditions of filth, vice etc. and this report was the mainstay of all anti-Chinese articles and pamphlets for thirty years and more. On the other hand pro-Chinese arguments generally consisted of pleas for fair treatment on humanitarian and democratic grounds. Some were published by the Chinese "Silk Companies," the agencies which imported the coolies, and others were written by ministers and missionaries who worked among the Chinese. Public Opinion unfortunately does not go back beyond 1885 and hence the opinions of newspapers throughout the country is not so easy to get hold of. In general though, as is only natural, the Eastern papers, removed from all fears and influence of Chinese were pro-Chinese or at least opposed to restriction while the Western papers were violently anti-Chinese.
Following is a survey of Chinese Immigration laws and treaties as summarized by Jenks and Lauck from the report of the Immigration Commission:

"As early as 1882 the Pacific coast States and cities attempted to restrict Chinese immigration, but their regulations were declared unconstitutional. Recourse was then had to the Federal Government.

"The first treaty in which emigration from China to the United States was considered was the Burlingame Treaty of July 28, 1868. ---The inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, from the one country to the other, for the purpose of curiosity or trade, or as permanent residents, were recognized, but 'any other than an entirely voluntary emigration' was reprobated. The attitude of the United States as expressed in this treaty was not popular in the Pacific States, however, and these States continued their efforts to secure legislation restricting the further immigration of Chinese.

"In 1872 the legislature of California had instructed their Representatives in Congress to urge the making of a new treaty with China providing for the exclusion of certain Chinese subjects, and continued agitation finally resulted in the enactment of the law of March 5, 1875. Besides prohibiting the importation of women, especially Chinese women, for the purpose of prostitution, and the immigration of convicts, the principal provision of the act of 1875 was that the transporting into the United States of residents of China, Japan, or any other Oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, was to be punished by imprisonment for not more than one year and by a fine not exceeding $2000. It further provided that any person attempting to contract in this manner to supply coolie labor to another should be guilty of a felony and imprisoned for not more than one year and pay a fine of not more than $5000.

"On November 17, 1880, a treaty somewhat more satisfactory to the Pacific coast was negotiated, the article relating to the limitation and suspension of Chinese immigration into the United States being 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 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 of suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the limitations, regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse."
"After the treaty of 1880 was concluded, a bill to execute certain stipulations contained therein was passed by the Senate and the House. As this bill went to the President for approval it provided that within ninety days after its passage, and until twenty years thereafter, the coming of Chinese laborers should be suspended. Exception was made to Chinese laborers who were in the United States on November 17, 1880, and those who should come before the act went into effect. Also a complete system of registration, certification, and identification was provided. Skilled Chinese laborers were specifically among those excluded, and all State or United States courts were denied the right to admit Chinese to citizenship. On April 4, 1882, President Arthur returned the bill with his veto, his principal reason for refusing to sign it being that the passage of any act prohibiting immigration for twenty years was an unreasonable suspension of immigration, and consequently a breach of the treaty. The features relating to registration he also claimed served no good purpose. Subsequently, a modified bill was passed by Congress, and although containing some of the provisions objectionable to the President, he approved it on May 1, 1882. This law provided that all immigration of Chinese laborers, skilled or unskilled, should be suspended for a period of ten years.

"During the next Congress to prevent evasions of the law through the possible interpretation of words "merchants" and "travelers", together with the notorious capabilities of the lower classes of Chinese for perjury, the certificates of the exempt classes were made more elaborate and the word "merchant" was defined to exclude hucksters, peddlars, and fishermen. The certificates were made the only evidence admissible to establish a right to re-enter. These certificates also had to be verified by the United States diplomatic officer at the port of departure. This act was approved by the President.

"In 1886, China of her own accord proposed to prohibit the emigration of her laborers to the United States, and also to prohibit the return of any laborers who had gone back to China. She asked that negotiations be entered into for a treaty embodying such provisions. Such a treaty was agreed to and signed by the representatives of the two countries on March 12, 1888.

"The treaty as signed provided that Chinese laborers should be excluded for twenty years. No Chinese laborer returning to China was to be allowed to re-enter the U.S. unless he left a wife, child, or parent, or property to the value of $1000. To availing himself of this right he had to return within a year. Chinese subjects other than laborers had to obtain certificates of identification from consular representatives of the U.S. at ports of departure. As in the earlier treaty, the Chinese lawfully residing here were granted all the privileges of citizens of the most favored nations. Finally the indemnity fund of $276,619.75, which was asked for losses and injuries suffered by the Chinese in various anti-Chinese riots in the Pacific coast States was included. Before ratifying it the Senate changed two articles of the treaty. By the first, all Chinese laborers not then in the United States, but who held return certificates under existing laws, were not to be allowed to enter. The other required the
possess of the certificate of identification to insure entry.

"No ratification of the treaty followed, however, and on receipt of unofficial reports that China had rejected it, Congress passed a bill prohibiting the coming to the U.S. of Chinese laborers. President Cleveland withheld his approval of the bill for some time, but finally, on the refusal of China to ratify the treaty unless the term of years of it was made shorter, and other conditions were changed, on October 1, 1888, he signed it. In his message accompanying the approval President Cleveland justified his action, claiming that China's delay was a breach of the existing treaty, and such a breach as justified Congress in legislatively dealing with the matter.

"On December 10, 1891, Senator Dolph, of Oregon, secured the passage of a bill providing that the act of May 8, 1882, should be continued in force for another ten years. By its terms, all existing laws were continued in force for ten years. All Chinese laborers within the United States were required to secure certificates within one year, and if any was found without such certificate he was to be liable to deportation."

"Shortly after the passage of these acts China asked for the opening of negotiations looking to a new treaty. Negotiations were successful, and on December 8, 1894, a treaty was proclaimed. This provided for the exclusion of all Chinese laborers for ten years. Those going back to China were allowed to return here providing they had a wife, child, or property worth $1000 somewhere in the United States. Registration was still required. It practically covered the same grounds as existing legislation, except that the act of October 1, 1888, refusing to Chinese laborers the right to return, was repealed.

"After the annexation of Hawaii, on July 7, 1898, Chinese immigration to these Islands was declared to be regulated by the laws of the United States. On April 30, 1900, provision was made for the registering of all the Chinese in these Islands, and Chinese living there were forbidden to enter the United States."

(From Jenks and Lauck: "The Immigration Problem" pp. 314-319)
But the case of America is unique in this sense that it is inhabited in approximately equal numbers by two sets of people who look at it in a fundamentally different way and to each of whom America stands for something totally different. No trouble looms ahead for America because many of its citizens remain faithful to the traditions of their native countries: this has been particularly true with the Anglo-Saxon settlers, out of which the hundred-per-cent-American tradition has developed, to an even greater extent than with any German or Irish new comer. But trouble might come from the fact that there is a very powerful tradition of what America means to the newcomers as opposed to the natives of ancient stock. The mere nomination of Al Smith meant, I should think, a more vital issue in the inner life of the American nation than any issue since Abraham Lincoln's days. All those Americans who have not been long in the new country have a common denominator in an ideal which is foreign to the hundred-per-centers. And this ideal is all the more powerful because it finds a very appropriate body in that tendency for equalization and for thinking in terms of quantitative as opposed to qualitative differences only, which is inherent in America's industrial, financial, and social development.

We must then reckon with the idea the newcomer cherishes of America as with a very powerful counter-tradition to that of the hundred-per-center. It is an indubitable fact that the memories of the Civil War, not to mention the War of Independence, mean nothing to about half the American population simply because those memories form no part of their unconscious. On the other hand, in the heart of this half very strong American ideals are alive which are derived from the opposition of American Liberty not to a lack of liberty in the past, but to the narrow conditions of modern Europe. And this foreign-born idealism is, moreover, strange as this may sound, more in harmony with both the wide-flung spirit of the Continent and America's new role as a world-power, than the old idealism. The native-born American is narrowing down, as a type, for the time being; this is a natural process which cannot be checked. But it cannot help giving, for a while, an extra chance to the foreign-born or the native of only a few generations, if he is capable of living up, in practice, to his ideal of American life. Moreover, the latter's idea of America is more in harmony with the spirit of the age. We shall, therefore, hardly be refuted by later developments if we take it for granted that the future "style" of America will be built up to a considerable extent by the ideas and ideals prevailing among the comparative newcomers.

Still, the native-born American should not despair; in the end, he will win the race. Why? For the simple reason that in the long run all immigrants will become natives of the soil and that the resulting native type, being to a very great extent the product of the earth, will obviously be more like the present-day native type, whatever the blood may be, than like the European forefathers in question. Only it is quite possible that the oldest native stock will never again predominate. But, however this may be, in any case it is preposterous that the descendants of the early settlers alone should today believe themselves to be "the" Americans. A constant influx of immigrants up to the year 1923 is a fact, whatever it may be worth. Accordingly, the conditions of the beginning actually continued until then. The nation is still in the making, and it is quite possible, in principle, that the earliest historic tradition may have to die for the benefit of a more recent one.