

HINDU IMMIGRATION

HEARINGS

BEFORE THE

COMMITTEE ON IMMIGRATION

HOUSE OF REPRESENTATIVES

SIXTY-THIRD CONGRESS

SECOND SESSION

RELATIVE TO

RESTRICTION OF IMMIGRATION OF
HINDU LABORERS

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COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-THIRD CONGRESS.

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HINDU IMMIGRATION.

COMMITTEE ON IMMIGRATION,
HOUSE OF REPRESENTATIVES,
Thursday, April 16, 1914.

The committee this day met, Hon. John L. Burnett (chairman) presiding.

The CHAIRMAN. You may proceed, Mr. Caminetti.

STATEMENT OF HON. ANTHONY CAMINETTI, COMMISSIONER GENERAL OF IMMIGRATION.

Mr. CAMINETTI. Mr. Chairman and gentlemen of the committee: At a former meeting I introduced copies of orders in council issued by the Dominion of Canada fixing time within which that Dominion would preclude people from foreign countries coming to Canada as laborers, artisans, etc. The purpose as I understand was to prevent the Hindus from coming to the Dominion. That time would have expired on the 31st of March, and upon that date the time was extended until next September. This indicates the conditions that exist up there, and also that the opposition of the Dominion of Canada still continues to the immigration of Hindus to that country.

Mr. MOORE. What reasons are given in the order?

Mr. CAMINETTI. The order reads as follows:

At the Government House at Ottawa, Tuesday the 31st day of March, 1914. Present, His Royal Highness the Governor General in Council.

His Royal Highness the Governor General in Council, under and in virtue of the provisions of subsection 3 of section thirty-eight of the immigration act, 9-10, Edward VII, and in view of the present overcrowded condition of the labour market in the Province of British Columbia, is pleased to make the following order:

From and after the date hereof, and until after the thirtieth day of September, 1914, the landing at any port of entry in British Columbia hereinafter specified of any immigrant of any of the following classes or occupation, viz: Artisans; labourers, skilled or unskilled; shall be, and the same is hereby, prohibited.

The following ports of entry in British Columbia are hereby designated as the ports of entry at which this order shall apply:

Vancouver, Victoria, New Westminster, Nanaimo, Prince Rupert, Fort Simpson, Anyox, Atlin, Chilliwack, Brightsville, Chopaka, Carson, Cascade, Comox, Ganges Harbour, Douglas, Gateway, Grand Forks, Huntingdon, Kamloops, Keremoos, Kingsgate, Ladner, Myncaster, Ladysmith, Midway, Steveston, Chemainus, Osoyoos, Powell River, Paterson, Aldergrove, Rykerts, Rossland, Stewart, Union Bay, Upper Sumas, Waneta, Pacific Highway, White Rock, Mission Junction, Port McNicoll, Whales Island.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

Mr. RAKER. That includes the Hindus, Chinese, Japanese, and all?

Mr. CAMINETTI. Artisans and laborers of all nations, even those from the United States, although when I was in Victoria and Van-

couver the explanation was made that it was not the purpose to exclude American laborers who went there, and from then existing conditions and public rumor it could be seen that the aim was to reach Hindu laborers. That was the purpose, but it was accomplished in this general way.

Mr. SLAYDEN. The laborers and artisans of no country are excepted in the text of the order?

Mr. CAMINETTI. No, sir.

Mr. RAKER. They exclude the Chinese and Japanese under this order the same as the Hindus? .

Mr. CAMINETTI. Yes, sir.

Mr. RAKER. It is a general exclusion order, in other words?

Mr. CAMINETTI. Yes, sir.

Mr. MOORE. There is nothing in this order that specifies Hindus, Japanese, or Chinese?

Mr. CAMINETTI. No, sir.

Mr. MOORE. It has no reference in particular to them or any of them?

Mr. CAMINETTI. No, sir.

Mr. MOORE. Therefore it can not be said to be an order intended to exclude artisans or laborers, skilled or unskilled, of those three nationalities?

Mr. CAMINETTI. Not directly from the order, but from the circumstances attending the issuing of the first order, which is already in the record, and which was brought about because of the fact that the supreme court of the Province of British Columbia had to some extent set aside some of the provisions of the existing immigration law. That case involved the Hindus. Immediately after the decision was rendered public opinion was aroused in British Columbia to such an extent that this supplemental order was issued and, in my judgment, was directly aimed at Hindu immigration.

Mr. MOORE. This is a general order and does not specifically refer to the artisans and laborers of those three nationalities?

Mr. CAMINETTI. You are correct.

Mr. MOORE. The reason given for extending the time to September 30, 1914, is "the present overcrowded condition of the labor market in the Province of British Columbia"?

Mr. CAMINETTI. Yes, sir.

Mr. RAKER. In that connection, Mr. W. L. Mackenzie King reported about the Chinese, Japanese, and Hindus?

Mr. CAMINETTI. That is the gentleman who went to England?

Mr. RAKER. Yes, sir.

Mr. CAMINETTI. Yes, sir.

Mr. RAKER. His report is with regard to those three races?

Mr. CAMINETTI. Yes, sir.

Mr. RAKER. The difficulty that they are having in British Columbia comes from all three races, but, of course, the Hindu is a little more acute than the other two. They were working against the three races?

Mr. CAMINETTI. The Japanese question was settled by an agreement such as we have, and lately that question has not arisen.

Mr. GARDNER. In spite of that order, do I understand you to say that they are going to admit laborers from the United States and Europe in the six months?

Mr. CAMINETTI. I do not know. I do not want to be understood as saying that. One of the leading immigration officers at Vancouver told me that the purpose of the order was not to prevent Americans from going there.

Mr. GARDNER. He was one of the leading immigration officials, was he, whose duty it is to instruct his inspectors?

Mr. CAMINETTI. Yes, sir.

Mr. GARDNER. In instructing his inspectors, did he tell them to admit laborers from all countries except these?

Mr. CAMINETTI. No, sir.

Mr. GARDNER. It applies to all?

Mr. CAMINETTI. Yes, sir.

Mr. GARDNER. It was not meant to apply, but it does apply in terms?

Mr. CAMINETTI. Yes, sir.

Mr. GARDNER. Are you familiar with the act under which the Governor General has the right to issue such an order as this?

Mr. CAMINETTI. Generally; yes, sir.

Mr. GARDNER. What are the provisions of the act, for instance, subsection 3 of section 38?

Mr. CAMINETTI. That the governor in council may, by proclamation or order, whenever he deems it necessary or expedient * * * prohibit the landing of immigrants belonging to any race of any specified class, occupation, or character.

Mr. SLAYDEN. And the act names those people?

Mr. CAMINETTI. No, sir.

Mr. GARDNER. Does not the act say that if the Governor General is informed that there is an overcrowded labor condition?

Mr. CAMINETTI. I believe that there is something either in the law or regulations and on that subject.

Mr. GARDNER. That is my recollection.

Mr. CAMINETTI. I will supply the particular section.

The CHAIRMAN. Is not that already in the record in your statement?

Mr. CAMINETTI. Yes, sir.

Mr. RAKER. Does your statement as it will appear in the record contain the report from this gentleman, Mr. King?

Mr. CAMINETTI. Yes, sir; the committee's report. I will supply the full section. It even gives them authority to prohibit any race from coming.

Mr. GARDNER. Does it specifically name certain races and people which may be kept out under an order?

Mr. CAMINETTI. It does not name the races. It says the Government can specify the particular race or any particular class of people.

Mr. GARDNER. The general act under which the order is issued confers upon the Governor General in Council the power to issue an order specifically keeping out certain people?

Mr. CAMINETTI. Yes, sir. Here is the provision of the law of Canada:

SEC. 38. The Governor in Council may by proclamation or order whenever he deems it necessary or expedient—

(a) Prohibit the landing in Canada or at any specified port of entry in Canada of any immigrant who has come to Canada otherwise than by continuous journey

from the country of which he is a native or naturalized citizen, and upon through ticket purchased in that country or prepaid in Canada.

(b) Prohibit the landing in Canada of passengers brought to Canada by a transportation company which refuses or neglects to comply with the provision of this act.

(c) Prohibit for a stated period, or permanently, the landing in Canada, or the landing at any specified port of entry in Canada, of immigrants belonging to any race deemed unsuited to the climate or requirements of Canada, or of immigrants of any specified class, occupation, or character.

Mr. RAKER. To your knowledge has there been any objection by any of the foreign Governments to the order of the Governor General in Council?

Mr. CAMINETTI. I do not know; I have not heard of any.

My purpose in appearing this morning was not to take up the general subject—of course I am here to furnish any information, in response to questions, that I may be able to furnish—but particularly to express the desire of the department that some action may be taken upon the bills involving Hindu laborers at this time.

Mr. MOORE. Which bill?

Mr. CAMINETTI. The bills involving Hindu laborers.

Mr. MOORE. Mr. Commissioner, is the purpose of your appearing here to-day to submit this supplemental statement in support of the Hindu, Chinese, and Japanese exclusion bills?

Mr. CAMINETTI. I am here only on the particular matter I have specified.

Mr. MOORE. Which particular matter?

Mr. CAMINETTI. I am merely asking now for action, if it meets with the approval of the committee, on the Hindu bills.

Mr. MOORE. And not on the Japanese bills?

Mr. CAMINETTI. I did not come up for that purpose. I merely want—

Mr. GARDNER (interposing). Do you favor the Japanese bill?

Mr. CAMINETTI. The department has answered the committee on that question, and I refer the committee to the letter of the Secretary upon that subject.

Mr. GARDNER. You do not care to state your own position?

Mr. CAMINETTI. My own position is stated in that letter.

Mr. GARDNER. I ask about your position now?

Mr. CAMINETTI. The department adheres to that letter.

Mr. RAKER. Which letter is that, the letter dated January 8, 1914, and which is contained in House Document No. 652?

Mr. CAMINETTI. Yes, sir.

Mr. RAKER. And you stand on that letter?

Mr. CAMINETTI. Yes, sir. I would prefer that we confine ourselves to one question at a time.

Mr. MOORE. That is what I wanted to know.

Mr. CAMINETTI. I do not object to discussing these other matters, but I think it is better for us to confine ourselves to one subject, and not go into other matters, unless the committee so directs. My object in coming here this morning was to submit to the committee that the Canadian Government has continued its exclusion order upon that subject so the idea might not prevail that the original order had expired by limitation and that it was willing to let all races come up there, including the Hindus. Furthermore, I desire to submit to the committee this proposition, that the Hindus are not coming now

to the coast or to the country owing to the fact that the steamship companies that ply between Asiatic ports and between the Philippines and the Pacific coast have stopped bringing those people, and that possibly this situation will only continue during this session of Congress. If Congress adjourns without acting upon this subject, in all probability the steamship companies that have so kindly offered not to engage in this traffic may resume it. In that event we will have our stations congested with these people and our courts kept busy with litigation. As much as we can do, so far as our present law is concerned, we have only been able to exclude 50 per cent.

Mr. MOORE. Fifty per cent of the Hindus only?

Mr. CAMINETTI. Yes, sir. We have won all the cases in Seattle and in San Francisco upon all the questions raised. Those cases now have been appealed to the Supreme Court of the United States, and that will take a couple of years, a year anyway, and during the time that there is doubt, that doubt is not one that will be conducive to good results.

Mr. GARDNER. There was a large immigration to this country?

Mr. CAMINETTI. Yes, sir.

Mr. GARDNER. About 154.

Mr. CAMINETTI. I would also remind the committee that the steamship companies, by an agreement which they themselves offered to make, stopped bringing these people, and that is the reason they did not come. I have gone into that matter fully at a prior hearing. This immigration has stopped because the steamship companies acted so kindly and refused to take the business—

Mr. GARDNER (interposing). How long have they been so kind?

Mr. CAMINETTI. With respect to this matter—since last summer.

Mr. GARDNER. During the last 50 years, if I am reliably informed, only 6,000 of them came to this country?

Mr. CAMINETTI. Of which we have a record.

Mr. GARDNER. Of course, if they steal their way in over the border, no legislation would keep them out. Do you mean that they do steal in?

Mr. CAMINETTI. They must necessarily have stolen in over the border, because otherwise there would not be as many as there are on the Pacific coast.

Mr. SLAYDEN. What border?

Mr. CAMINETTI. The northern as well as the southern border.

Mr. GARDNER. That is a question which is up to you and not up to us.

Mr. CAMINETTI. It is up to us if you give us the requisite amount of money to enforce the law.

Mr. GARDNER. It may be very important to pass this legislation, but it seems to me that this is an unnecessary agitation of the question, and I can not help feeling there is some politics in it.

Mr. CAMINETTI. So far as I am concerned, I can assure you there is no politics in it, and I have not come up here for the purpose of playing politics.

Mr. GARDNER. We all know there is an agitation on to exclude the Japanese, and as far as I could see in the beginning of the year they tied these things together, but finally separated them, and I wondered why it was.

Why did you drop the Japanese end of it if you were anxious to exclude all and begin to agitate only the Hindu's exclusion?

Mr. CAMINETTI. If you will look at the letter referred to a while ago, you will find I have not dropped the Japanese.

Mr. GARDNER. You seem to only want to go into the Hindu question.

Mr. CAMINETTI. There is an emergency at this time in relation to the Hindus.

Mr. GARDNER. That is what I want to get at—the emergency. When less than a thousand Hindus on the average have come in here during the past 15 years, I do not see the emergency.

Mr. CAMINETTI. Fifteen years ago there was no movement of the Hindus toward this country. It is only since 1899 that Hindus commenced coming; and only in the last year or so throughout India that the active movement began. They went to the Philippines for the purpose of getting a stepping-stone to the mainland. They also went to Hongkong and Canton for the purpose of getting into this country. We had information of this movement officially in hearings that we have had. We had further information—

Mr. GARDNER. Will you explain to this committee what that further information is that you speak of?

Mr. CAMINETTI. We had the further information that a certain steamship company had sent cots on to the Philippines, so that they could load more of them on their steamers. On receipt of that we thought it was time to act.

Mr. GARDNER. When you were only getting in 154 a year?

Mr. CAMINETTI. Because the law was efficiently administered.

Mr. GARDNER. Let me repeat my question. When was this agreement made with the steamship company, of which you speak?

Mr. CAMINETTI. When we found out—

Mr. GARDNER. When was the date?

Mr. CAMINETTI. I can not give it to you right now; but it was during last summer.

Mr. GARDNER. But 154 Hindus only came in during the last fiscal year up to June 30, 1913, and after that you made the agreement. Am I correct in that?

Mr. CAMINETTI. We changed the rule as soon as we heard of the movement—I think it was June 14—and after we changed the rule the counsel of the Hill lines came on and wanted to know how we would treat them in relation to people they had on the high seas at the time we changed the rule; and it was then we came to the understanding that they would not carry any more of those people across. After that was agreed to by the Great Northern and Northern Pacific Railroad companies it was followed by all of the other companies engaged in traffic on the Pacific Ocean.

Mr. GARDNER. In the year previous to the adoption of the rule only 154 came in.

Mr. CAMINETTI. The movement had not then started.

Mr. GARDNER. What was the rule, by the way, which you changed?

Mr. CAMINETTI. The rule at first was that people who had received certificates authorizing them to land upon any of the insular possessions of the United States would be permitted to land upon the main land. The rule was changed so that it would set that aside, and provided that they must stand the same test on coming to the

mainland that anyone else coming from a foreign land has to stand under the immigration law.

Mr. GARDNER. That is the law now, and that has been the law. That was not the rule. The law says if any foreigner, not being naturalized, shall afterwards go to the mainland of the United States that then the provisions of this section shall apply.

Mr. CAMINETTI. It was the rule until we changed it.

Mr. GARDNER. That was the law.

Mr. CAMINETTI. The bureau's execution of the immigration laws applies only to foreign nations, and hence the new rule was made applicable to our insular possessions.

Mr. GARDNER. If you will look at the law, I think you will see it says if any foreigner, not being naturalized, shall afterwards go to the mainland of the United States that then the provisions of this section shall apply.

Mr. CAMINETTI. The general immigration law does not apply to our own insular possessions, unless so provided by specific direction and as the bureau is not executing the law in our possessions; hence the necessity for the change of that rule; because they had sent these people on for the purpose of making a test, and had they gotten in under that rule they would have kept on coming. We allowed the first five to come in, because the rule provided they would be admitted. But we immediately changed the rule, and since then we have prevented their coming, when we could do so under the law.

Mr. SLAYDEN. May I just ask a question for information? I understand you to say that our general immigration law does not apply to immigrants coming over from the Philippines, Porto Rico, and Hawaii?

Mr. CAMINETTI. Unless the provisions of the law specifically says that it shall.

Mr. SLAYDEN. Was it possible for a class of people who otherwise would be barred to get into those islands and make it a way station on their journey to the United States?

Mr. CAMINETTI. Yes, sir.

Mr. SLAYDEN. And the law permitted that sort of thing?

Mr. CAMINETTI. Yes, sir.

Mr. SLAYDEN. And then by this change of rule or the rule which you adopted you have prevented that?

Mr. CAMINETTI. Yes, sir; and the courts have sustained the rule on two occasions.

Mr. GARDNER. I have been assisting in drawing immigration laws for a dozen years now, and I dispute the Commissioner's acts.

Mr. SLAYDEN. As to the application of the law?

Mr. GARDNER. The law applies to an alien entering our insular possessions, and has since the 20th of February, 1907. The head tax does not apply to an immigrant entering from Guam, Hawaii—I am not sure about the Philippines—but, Porto Rico, anyway; but if later, not having become a citizen, he shall afterwards go to the mainland of the United States the act does apply.

Mr. MOORE. Mr. Chairman, may I ask the commissioner a question?

The CHAIRMAN. Certainly.

Mr. MOORE. When did you submit the original order of the Canadian Government with respect to immigration?

Mr. CAMINETTI. The time I last appeared before the committee.

Mr. MOORE. Has that been printed yet?

Mr. CAMINETTI. No, sir. I should like to see it printed.

Mr. MOORE. You have the copy of that hearing in your possession?

Mr. CAMINETTI. It is in the possession of the clerk to the committee.

Mr. MOORE. You have agreed, in answer to Mr. Gardner, to submit certain data and agreements, which I presume will go into this record?

Mr. CAMINETTI. Yes, sir.

Mr. MOORE. Can we not have both hearings printed together?

Mr. CAMINETTI. I hope so.

Mr. MOORE. I want to ask you about the falling off in immigration. You say there has been no Hindu immigration this year?

Mr. CAMINETTI. I can give you all the figures in this statement.

Mr. MOORE. But there has been a falling off of Hindu immigration?

Mr. CAMINETTI. Yes, sir; owing to the fact that we have debarred their coming as far as we could under the present immigration laws, and so far the courts have sustained us in all the cases that have gone before them.

Mr. SLAYDEN. And the steamship lines have cooperated with you?

Mr. CAMINETTI. And the steamship lines have cooperated with us.

Mr. MOORE. Is that the only reason the steamship lines have cooperated with you?

Mr. CAMINETTI. I think so.

Mr. MOORE. Is there the same desire on the part of the immigrants to come to this country this year as there was last?

Mr. CAMINETTI. I think that is what deterred Hindu immigrants. Of course, the steamship companies may have been influenced to some extent by the fact that they saw a determined effort on the part of the immigration officers to prevent the coming of those of them who were not admissible and to continue might involve the companies in great expense in keeping and returning those debarred.

Mr. MOORE. Has there not been a good deal of nonemployment on the Pacific coast that might have some bearing on the question?

Mr. CAMINETTI. No more so there than in other parts of the country.

Mr. MOORE. Immigration generally has fallen off this year, has it not?

Mr. CAMINETTI. No, sir.

Mr. MOORE. You mean to say that the last report issued by your bureau shows an increase of immigration?

Mr. CAMINETTI. If the rate of immigration for the first six or seven months shall continue until the 30th of June, the chances are that this year will show greater immigration than any preceding year. Of course, there has been a falling off in January, February, and March, but the chances are it will open up again now.

Mr. MOORE. Was there not a general falling off as to all nationalities in January, February and March.

Mr. CAMINETTI. There has been a general falling off as to all nationalities in January, February, and March; yes, sir.

Mr. MOORE. Was that due to any action on the part of the steamship companies?

Mr. CAMINETTI. I have not referred to steamship companies on the Atlantic side; I am talking only of the steamship companies on the

Pacific side, and only so far as the Hindu immigration was concerned.

Mr. MOORE. If Mr. Gardner's statement is correct that only 154 Hindu immigrants—

Mr. GARDNER (interposing). It may have been 170; I think it is 154 that the report shows.

Mr. MOORE. Assuming that 154 is accurate and that that number came in up to the end of the fiscal year June 30, 1914, what is your estimate of those who have come in since June 30, 1914?

Mr. CAMINETTI. I do not think there have been many admitted, because every time we could show them to be inadmissible we would send them back; hence few have applied. They have had general notice on this proposition, and having had that general warning they are not coming; and then, again, they know the steamship companies will not take them; possibly that is the reason they are not coming; but you wait until the steamship companies open up and see what will happen.

Mr. GARDNER. For the sake of the record, I want to read something into it from the law on this question, as to whether aliens were admitted from the Philippines who were excludible from the United States. Section 2 of the act begins as follows [reading]:

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living.

and so on. That is the exclusion provision.

Mr. RAKER. That is the act of 1907?

Mr. GARDNER. The act of 1907. Now, section 33 of that act reads as follows [reading]:

SEC. 33. That for the purpose of this act the term "United States," as used in the title as well as in the various sections of this act, shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone: *Provided*, That if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States nothing in this act shall be construed as permitting him to enter under any other conditions than those applicable to aliens.

That was provided so as to be perfectly clear when we drew the act that the Philippines should be included. The only difference is that the law in the Philippine Islands was enforced by contributions given by the Philippine Government instead of by the United States.

Mr. CAMINETTI. It is not enforced under our bureau.

Mr. GARDNER. The laws are just exactly the same.

Mr. RAKER. They have not any more right to enter the Philippine Islands or the Hawaiian Islands than they have to enter the United States.

Mr. GARDNER. They have no more right to enter the Philippine Islands than the United States; as to the Hawaiian Islands it is a little different.

Mr. CAMINETTI. I admit that. I want to be understood as saying the bureau is not administering the immigration law there. It is being administered there by other departments of the Government; hence they are not carrying out the rules as we carry them out on the mainland; and they were looser in their administration and not as particular. The result is that lots of these people came in there.

Mr. GARDNER. You say they were "looser" in their administration?

Mr. CAMINETTI. They are looser in their administration; yes, sir; they are not as particular—in other words, are more liberal.

Mr. GARDNER. Then, I would like to put the law of February 6, 1905, into the record [reading]:

SEC. 6. That the immigration laws of the United States in force in the Philippine Islands shall be administered by the officers of the general government thereof designated by appropriate legislation of said government, and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands to be used and expended for the government and benefit of said islands.

And you say that is not being properly carried out?

Mr. CAMINETTI. I did not say that—"not being properly carried out"—but not being as particularly carried out.

Mr. GARDNER. What do you mean by "not being as particularly carried out"—negligently, do you mean?

Mr. CAMINETTI. No; I do not mean that. The conditions in the islands are different from the conditions in this country. The class of labor there is something like the class of labor that would be furnished by the Hindus, and hence they are not as particular in debarring that kind of people from the islands.

Mr. GARDNER. Are they not obeying the law?

Mr. CAMINETTI. Yes, sir; they are obeying the law.

Mr. GARDNER. Is it not the same law you are obeying?

Mr. CAMINETTI. Yes, sir.

Mr. GARDNER. And you are obeying it?

Mr. CAMINETTI. Yes, sir; I try to do so.

Mr. GARDNER. And they are obeying it, and yet you are doing two different things. Is that what you want us to understand?

Mr. CAMINETTI. I say the conditions are different there.

Mr. GARDNER. I know; but the law is the same?

Mr. CAMINETTI. The law is the same.

Mr. GARDNER. What do you do differently from what they do?

Mr. CAMINETTI. I think that we are more careful in the application of the law.

Mr. GARDNER. In other words, they are careless in the application of the law?

Mr. CAMINETTI. I do not want to say that.

Mr. GARDNER. They are not so careful?

Mr. CAMINETTI. Not so careful, possibly.

Mr. MOORE. Is it due to their greater sympathy for the immigrant than yourself?

Mr. CAMINETTI. No; I do not think that is the reason, but the fact that the class of labor in the Philippines is like the class of labor which would be furnished by these people and does not accentuate the necessity for strictness in administration. Then, again, those in

charge have so many other duties to perform, namely, if it is by the War Department, they have other work; or it may be by the custom-house, whose officers are also otherwise engaged, and hence they have more to do possibly than they can do effectively; that may be the reason. I am not finding any fault with them at all.

Mr. GARDNER. Mr. Caminetti, is it not a fact that since you wrote that letter, in the early part of the proceedings, President Wilson has called a halt on this Japanese-exclusion business?

Mr. CAMINETTI. I do not know anything about that; not as far as I know.

Mr. GARDNER. Have you not heard that said? That is not true, in your opinion?

Mr. CAMINETTI. It is not true so far as it applies to me, because I have not heard him say so.

Mr. GARDNER. You think that he has said so; is not that why you changed your attitude?

Mr. CAMINETTI. No, sir.

Mr. GARDNER. Why have you changed your attitude? Why do you come here saying you only advocate Hindu exclusion, when, at the beginning, you were advocating Japanese exclusion, too?

Mr. CAMINETTI. I want to meet the emergency now before us.

Mr. GARDNER. But there was no emergency about the Japanese, then?

Mr. CAMINETTI. The Japanese immigration is attended to by the so-called gentlemen's agreement between Japan and the United States.

Mr. GARDNER. Satisfactorily?

Mr. CAMINETTI. I think we are endeavoring to carry it out.

Mr. GARDNER. Is it substantially satisfactory?

Mr. CAMINETTI. I think so.

Mr. GARDNER. That is good. That was not your attitude in the fall.

Mr. CAMINETTI. Sir?

Mr. GARDNER. That was not your attitude in the fall.

Mr. CAMINETTI. In the fall?

Mr. GARDNER. When you were here before.

Mr. CAMINETTI. I have not changed my attitude. That letter expressed my attitude then and it expresses it now.

Mr. GARDNER. You remember there was a general statement in the newspapers that certain confidential communications had been made to this committee as to this Japanese question, do you not?

Mr. CAMINETTI. I only know it through the papers. I knew nothing—

The CHAIRMAN (interposing). I do not think we ought to go into this except in executive session.

Mr. GARDNER. I am not going into the question except as it is a matter of public knowledge.

Mr. CAMINETTI. Mr. Gardner, I do not think you ought to ask me such questions. I am not authorized to speak for anybody but myself.

Mr. GARDNER. I do not say that. You are the Commissioner of Immigration, and it seems to me you are the very person we ought to ask those questions.

Mr. CAMINETTI. The correct way, I think—if you will permit me to say it—would be to present the matter to the committee, and notify the bureau that you desire it represented here upon any particular subject. Then when you have fixed a time I can come up here and discuss that subject. I think that that would be the way to do it.

Mr. GARDNER. I doubt if we could get you up here under those conditions.

Mr. CAMINETTI. I am endeavoring to be fair to you, and I ask you to be fair to me.

Mr. GARDNER. You are up here to defend a bill which looks to me like politics. It does not look to me as if there was anything in this Hindu matter except the excuse to show the folks out in California that people are hustling around for California, because this 174 Hindu immigration appears to me like a mere drop in the bucket, and as if you said you would exclude every fellow who had zebra-colored eyes.

Mr. RAKER. There is no change in attitude so far as I am concerned. There is a report here I want to let go into the record. It is dated May 28, 1913, and marked "House Document 56, approving H. R. 102," with slight amendments; and then also report dated January 20, 1914, House Document No. 652, which approves again H. R. 102, excluding all Asiatic laborers; and personally I am going to stand upon, insist, and ask this committee upon the conclusion of the hearings that the provisions of that bill be acted upon by the committee, from the report of the Department of Labor, which concludes that all these should be excluded; and there is not any quibbling, any dodging, any changing, any slipping, any backing down or one iota of difference from the way I originally stood upon that proposition. It was good then, it is good now; and it ought to be the law.

[House Document No. 56, Sixty-third Congress, first session.]

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 28, 1913.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: In compliance with Rule XXI of the House of Representatives, I have the honor to address this communication to you in response to a letter written me on May 8 by Hon. John E. Raker, with which there was inclosed a copy of H. R. 102, Sixty-third Congress, first session, with the request that a report thereon be submitted for the information of the Committee on Immigration and Naturalization of the House.

In response to Mr. Raker's request there is inclosed a communication written me by the Commissioner General of Immigration, in which the provisions of Mr. Raker's bill are discussed at some length and suggestions offered that it is believed would improve the proposed measure from an administrative point of view.

Respectfully,

W. B. WILSON, *Secretary.*

DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, May 28, 1913.

THE SECRETARY OF LABOR.

SIR: Referring to the letter addressed to you on May 8 by Hon. John E. Raker and a similar communication written me by him on the same date, requesting a report regarding H. R. 102, introduced at the present session of

Congress by him. I beg to offer the following suggestions regarding the proposed legislative measure:

The principal purpose of this bill is to include in the classes of aliens excluded from admission to the United States by section 2 of the existing immigration law "all Asiatic laborers," and to provide with regard to all Asiatic aliens means similar to those now existing with respect to aliens of the Chinese race for the admission to and residence within the United States of certain specified exempt classes, the registration of all Asiatics now residing here, and their positive identification and the identification of those hereafter admitted. In doing this Chinese are, of course, included in the term "Asiatic aliens," and the enactment of the bill into law would certainly accomplish an object the desirability of which has been explained in all of my recent annual reports, to wit, the consolidation with the general statute regarding immigration of the special provisions of law relating particularly to Chinese aliens. It is noted, moreover, that in thus consolidating the Chinese-exclusion laws (extended so as to include in their terms all Asiatic aliens) with the general immigration statute such provisions of those laws as have been found useless or unduly burdensome have been eliminated. Needless to say, this feature of the bill meets with my unqualified approval.

I note, however, that no effort is made in the proposed bill to define the term "Asiatic." If it is the intention to include in the provisions of this amendatory legislation all natives of the continent of Asia, and of the islands usually regarded as a part of that continent, perhaps no specific definition is required, unless questions of the half and quarter blood likely to arise in the application of the law are regarded as sufficiently important to call for some description of what is intended in this regard. If, on the other hand, it is not intended to include aliens coming from eastern Asia (Turkey, Persia, and Arabia, for instances), obviously some specific definition should be given.

With the above preliminary comment I proceed to suggest a few changes in the language of the proposed law:

Section 1. Line 5, page 2, after the word "dangerous," insert the word "contagious," in order that the language may agree with that of the existing immigration act.

Line 16, page 2, eliminate the word "of" after the word "or."

Line 1, page 3, change the word "expressed" to the word "express."

Section 2. Remove from line 19, page 4, the word "and" and from line 20, page 4, the word "Naturalization"; also from the last-mentioned line the words "of the," and from line 21 the word "Department"; these changes being needed to make the text accurate.

Lines 23 to 25, page 4, change to read as follows: "laborer who shall enter the United States in violation of the provisions of this act, and any Asiatic laborer who, after the expiration of one year from the passage of this act, shall be"; and lines 1 to 3, page 5, change to read as follows: "the United States and shall be arrested whenever and wherever found by any immigration inspector and given a hearing to show cause why he shall not be deported, of which hearing report shall be made by the arresting officer to the Secretary of Labor, and unless it shall be satisfactorily established that"; these changes of language being desirable because it is important that the law shall clearly show that any alien entering in violation thereof is subject to deportation in accordance with its provisions rather than merely in accordance with the provisions of the law amended by the proposed statute, and because in enforcing such a law it will frequently be necessary for the immigration inspectors to take aliens who enter surreptitiously promptly into custody without waiting until they can communicate with the department at Washington and obtain a formal warrant to serve on the alien.

It is suggested that possibly the clause in lines 8 to 10, page 6, requiring that certificates shall be impressed with a "thumb print," might be regarded as objectionable and moreover is probably unnecessary in view of the requirement that the certificates shall contain full face and profile photographs. In this connection it is noted that the proposed law does not contemplate that any other certificate than the registration certificate to which this clause relates shall bear the thumb print of the person to whom issued.

Line 15, page 11: At the end of this line the words "or the act hereby amended" should be inserted.

Line 2, page 12: Here there should be inserted the following: "If any such alien returns to and reenters the United States in any other manner than that herein prescribed, he shall be arrested and deported in the manner provided by

section 45 of this act"; this in order that there may be no doubt of the right of the administrative officers to remove from the country Asiatic aliens who fail when leaving and returning to comply with the provisions inserted in the law especially for their benefit and incidentally for the purpose of encouraging all aliens of the classes involved to come to and enter the country over regular routes of travel.

There is no way in which the immigration and Chinese-exclusion laws are more frequently and more seriously violated than in connection with the employment on board vessels entering United States ports of alien seamen. To this I have repeatedly called attention in my annual reports. Moreover, it is apprehended that the passage of a law like that proposed by Representative Raker would increase the incentive to violations of this kind by aliens of Asiatic races. On the other hand, there is now pending before Congress the bill (H. R. 23673, 62d Cong., 2d sess.) introduced by you, having been reintroduced in the present Congress by Senator La Follette (S. 4). Two of the main purposes of that proposed legislation are the abolishment of the involuntary servitude imposed upon seamen in the merchant marine of the United States and a general raising of the standards of wages and conditions affecting laborers who follow the sea. These objects, particularly the latter, can not be accomplished if there should be placed in the laws governing the admission to the United States of aliens provisions that would so operate as to compel alien seamen to remain aboard the vessels on which they arrive in ports of the United States. Under these circumstances, it is deemed inexpedient and inadvisable to advocate the inclusion in H. R. 102 of provisions which would exclude from temporary landing for the purpose of reshipping aliens of Asiatic races, or to attempt to apply to seamen employed on ships of American register the provisions of law relating to alien contract laborers. All that can be done is to insert in the immigration statutes provisions that will give immigration and public health officers authority to examine alien seamen like other arriving aliens and refuse admission to such as are diseased or otherwise inadmissible and exact from the masters of the vessel such descriptions, photographs, etc., as will make possible positive identification of any alien employee of a vessel who, after deserting, may attempt to remain in the United States contrary to the spirit and intent of the law. It is suggested, therefore, that there should be included in section 2 of the bill another new section to be added to the immigration act, which might be given the number "51" and inserted at line 18, page 13, the numbers of the suggested sections now designated as 51 and 52 to be changed to 52 and 53. Such section should read as follows:

"Sec. 51. That aliens arriving at United States ports as employees of vessels shall be examined under the provisions of this act and of the act hereby amended, in accordance with rules prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor, to prevent violations of the immigration law, and at the same time avoid, so far as possible, interference with navigation and commerce and conflict with the promises of the act of Congress approved _____, entitled 'An act to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.' The rules adopted under this section shall be such as may be deemed necessary to insure a proper enforcement of the various provisions of the act hereby amended, and the provisions of this act excluding from the United States Asiatic laborers, and include the requirement that masters of vessels shall furnish detailed personal descriptions and photographs of all aliens employed on vessels arriving in United States ports for the use of immigration officials in identifying such aliens in the event they attempt to remain permanently in the United States: *Provided*, That nothing in this act or the act hereby amended shall be construed to deny to aliens who are bona fide seamen the privilege of going ashore or of being discharged in United States ports, so long as they are not afflicted with idiocy, imbecility, feeble-mindedness, epilepsy, insanity, tuberculosis, or a loathsome or dangerous contagious disease, nor to deprive such aliens of the privilege of hospital treatment when entitled thereto under any provisions of existing law."

Respectfully,

DANIEL J. KEEFE,
Commissioner General.

[House Document No. 652, Sixty-third Congress, second session.]

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, January 20, 1914.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: In compliance with rule 41 of the House of Representatives and in response to a letter written me on the 14th instant by Hon. John L. Burnett, chairman of the Committee on Immigration and Naturalization, I have the honor to furnish the following comment with regard to House bill 102, introduced by Hon. John E. Raker, of California, on April 7, 1913, and referred to the committee mentioned:

Inasmuch as H. R. 6440 and H. R. 9044, introduced, respectively, by Hon. William E. Pumphrey, of Washington, on June 26, and by Hon. Denver S. Church, of California, on October 27 (copies of which are now before the department), have also been referred to the Committee on Immigration and Naturalization, and it being apparent that the object of these two bills (which are almost identical in terms) is a part of the object intended to be accomplished by H. R. 102, my comment is made to cover all three of the proposed measures.

The inherent and constitutional right of the Congress to pass laws of the kind contemplated by these bills, even when the provisions affect nationals or subjects of countries with which the United States has treaties containing the "most favored nation" clause, has, of course, been settled beyond peradventure of doubt. (Japanese Immigrant case, 189 U. S., 86; *Ah How v. United States* 193 U. S., 65; *Thingvalla v. United States*, 24 C. Cls., 255; *United States ex rel. Buccino v. Williams*, 190 Fed., 897; *Bouvé, Exclusion and Expulsion of Aliens*, p. 38 et seq.)

Judging from past experience and the inroads already apparent, it would seem to be only a question of time—probably of only a short time—before the United States immigration officials will be confronted with problems growing out of increasing immigration of Asiatic laborers from countries other than China, Japan, or India, in view of which it is, in the department's view, advisable to dispose of the entire matter of Asiatic immigration in one measure, such as H. R. 102. Its early enactment would make unnecessary the consideration of H. R. 9044 or H. R. 6440, inasmuch as H. R. 102 is the broadest and most inclusive of the three.

But owing to the time that will necessarily elapse, even if H. R. 102 should be favorably considered in the two Houses of Congress before it can become a law, the department desires to urge the passage as an emergency measure of either H. R. 9044 or H. R. 6440, for the reason that there now confronts the Immigration Service of this department the urgent and imperative problem constituted of the Hindu—a problem which has been met for the past several years with such expedients and makeshifts as could be devised from time to time with a view to prevent a large and ever-increasing influx of laborers of that race, who to all intents and purposes are "coolies" in the same sense that Chinese were regarded when the necessity arose over a quarter of a century ago for affording statutory means of exclusion. The Immigration Service has been excluding as many of these laborers as possible under the provisions of existing law which relate to physically defective aliens and to aliens likely to become a public charge. Numbers of the Hindus, however, are not physically defective in the sense of the existing statute, if at all; and while there are facts and circumstances with regard to these people, such as clannishness, caste ideas, superstitions, and habits of life, as well as economic conditions in the sections of the country in which they are wont to locate, which have in a number of instances been regarded as sufficient to justify the holding that they are likely to become public charges if landed, their immigration is now becoming systematized and financed in such a way as to reduce the efficacy of this holding, which at best is accomplishing by indirection something which ought to be brought about by direct methods.

The records show that from 1899 to date, exclusive of those coming from the Philippines, 6,656 Hindus have entered the United States in a regular manner; and, including deportations under the law, only 98 have returned to India. The immigration started with the entry of 15 in 1899. The number, supposed to be considerable, coming in surreptitiously across the northern and southern borders, or by landing on our coasts, is not known. Their presence in large numbers throughout the Pacific coast, particularly in California, indicates

that illegal entries have assumed proportions sufficient to alarm those who make a study of labor conditions as well as those who earn their living in industrial pursuits. No steps have so far been taken to deport those illegally in the country, on account of lack of funds.

There is no doubt that a concerted movement exists in India and elsewhere on the part of leaders among them to gain admission for their countrymen to the United States. The word, the department is informed, has gone forth through sections of Indian (as it did many years ago through parts of Europe, and as it is now in certain portions of Asia and the adjacent islands) that this is the "promised land," that high wages prevail, and constant work exists. From the Philippines, where many had gathered, came the report last spring from an officer in the service of our Government that six or seven thousand were ready to start for the mainland at the first sign of the open door. The corporation operating the steamship *Minnesota*, plying between Pacific coast ports and the Orient, including our insular possessions, had made arrangements for the transportation of Hindu laborers to supply farm hands in the State of Washington, and as far east as Minnesota; other lines were ready to do like service for the same and other portions of the West.

The change of rule 14 (ordered June 16 last as a protection to the mainland) so as to require that aliens coming to the continent from the Philippines should be landed only if it appeared that at the time of entry to the Philippines they were not likely to become public charges if they proceeded thence to the mainland and the determined stand taken by the immigration officers under the provisions of the amended rule prevented the success of the plans that had been made to start the influx.

Acting under this amended rule, over 70 Hindu laborers were ordered deported at the Seattle office and nearly half as many from the San Francisco station. Writs of habeas corpus were applied for in all of these cases, and it became evident that a test of the legality of the amended rule and of the department's construction of the law as affecting this kind of immigration was about to be made. Some of the questions of law involved are close as well as important, and, while it is hoped that the position assumed by the Government will be sustained, there is always an element of uncertainty which, with the necessary delays incident to litigation, will have a tendency to produce doubt and interfere with the efficient exclusion of the undesirable persons involved.

The position voluntarily assumed by the owners of the *Minnesota*, followed in like manner later by all lines operating in the Orient, offering to discontinue the transportation of Hindu laborers, and practically doing so, has materially aided the Government in its efforts. But can we, and should we, expect these companies to continue to refuse business when offered them if the proposed laws are not enacted or if long delay is permitted?

The Dominion of Canada has legislated on this subject in a manner even more drastic than that proposed by the pending bills, though in so doing it is dealing with subjects of the Empire of which it is a member. The people of Canada, like those of our country who have come into contact with the Hindus and gained experience and knowledge of them, are opposed to their coming. That Government, notwithstanding the adverse ruling of one of the higher Canadian courts, has had recourse to the emergency clause of its immigration laws, which provides prohibition of the entry of all laborers, so as to preclude those of India and allow the Government time to consider needed changes in its system; and only on the 17th instant additional protective measures were promulgated by an "order in council," thus meeting the necessities of the situation in the western Provinces, particularly British Columbia.

Australia, New Zealand, and other colonies of England have taken as radical steps to stop the contemplated invasion of these people.

Can we, who are not connected by governmental ties or obligations with the Hindus, afford to do less for our people and country than those who are bound by a common citizenship under the Imperial Government?

If this movement of Hindus is not checked by legislation—for that, in my judgment is the only effectual and certain way to meet the issue now presented—California and the West will not have a monopoly of this kind of labor, as climatic and industrial conditions in the southern States and other sections of the Union offer an extensive field for a people who can come in practically unlimited numbers if, by failure to do as Canada and other British colonies have done, they are tacitly invited.

With the above by way of preface, I proceed to comment first upon the Humphrey and Church bills and then upon the Raker measure:

In the interest of perspicuity, so much of lines 8 and 9 of H. R. 6440 as read "All Hindu laborers, idiots, imbeciles," etc., should be changed to read, as expressed in H. R. 9044, "All Hindu laborers, all idiots, imbeciles," etc., except that the word "laborers" should be followed by a semicolon instead of a comma, so as to indicate beyond possibility of doubt that the words "Hindu laborers" constitute a new distinct excluded class.

It is thought that the wording of the proviso (p. 4, lines 4-11, H. R. 6440; p. 4, lines 7-14, H. R. 9044) naming the exempt classes might be more clearly and explicitly worded; for instance, as follows:

"And provided further, That for the purposes of this act all Hindu aliens shall be regarded as laborers unless it is affirmatively shown that, in their personal capacity, they are and intend to be while in the United States of the following status or occupation: Government officers, ministers of the gospel, religious or other teachers, missionaries, lawyers, physicians, chemists, engineers, students, authors, editors, journalists, merchants, bankers, capitalists, and travelers for curiosity or pleasure."

The reasons for inserting the words in italics above are (a) to make clear that the status of the alien is determined not solely by what he has been abroad, but by what it is his purpose to be in the United States, and (b) to leave no room for the criticism that teachers of the Christian religion are being treated differently from teachers of other recognized religions or cults.

It is apprehended that if section 33 of the existing law should be amended as proposed in section 2 of each of these bills, questions would at once arise as to whether either the amendatory or the amended act (or both of them) was intended to be enforced in the Philippine Islands. It was provided by section 6 of the act approved February 6, 1905 (33 Stat., 689, 692), that the immigration law should be administered in the Philippine Islands by officers of the general government thereof; and section 33 of the immigration act as now worded makes the Philippine Islands a part of the United States for the purpose of admitting or excluding aliens. It is suggested that, with a view to accomplish what is understood to be the purpose of amending section 33, the words "and the Philippine Islands" (line 21, p. 4, H. R. 6440; line 24, p. 4, H. R. 9044) be omitted. This will leave the law unchanged so far as the exclusion of undesirable aliens from the Philippines is concerned. Then, by retaining in the proviso (as has been done in line 22, p. 4, H. R. 6440, but not in H. R. 9044) the words "or the Philippine Islands," it will be possible effectually to close the "back door" to continental United States which Hindus and some other aliens are now attempting to make of the Philippine Islands by giving statutory authority to immigration officials of this department engaged in enforcing the law on the mainland and in Hawaii to reexamine as though attempting to enter for the first time aliens who, after having been admitted to the Philippines (where economic and other conditions do not, perhaps, require the immigration law to be enforced as rigidly as on the mainland and in Hawaii), then endeavor to come "coastwise" to continental or other territory of the United States. Incidentally it might be noted that this question of the migration of the excluded classes from insular territory to continental territory is explicitly covered by section 51 (p. 13, line 18) of H. R. 102. This is made possible by the fact that said bill contains much more detailed provisions than the other two with respect to the admission, exclusion, identification, etc., of the new excluded class of aliens proposed to be created thereby.

With respect to H. R. 102, it is assumed that if the Burnett bill (H. R. 6060) should be enacted into law before H. R. 102 is reported upon by the committee the first part of sections 1 and 2 of the latter will be changed to refer in appropriate manner to the newly passed legislation rather than to the existing law, and that the amendment to section 2 proposed in H. R. 102 would be made to agree in every item with section 3 of the Burnett measure.

In view of the understanding with the Japanese Government on immigration matters it is believed, for administrative purposes, that there should be incorporated in H. R. 102 an exception somewhat similar to that appearing in H. R. 6060 (p. 6, lines 22-26), with respect to "existing agreements as to passports." Inasmuch, however, as H. R. 102 reenacts, broadened so as to apply to Asiatic laborers generally, the useful and efficient provisions of existing laws regarding the exclusion of Chinese, there seems to be no occasion to make this proposed exception cover the Chinese, as is done in the Burnett bill. This proposition is reduced to concrete form in the latter part of the proviso which it is suggested in the next paragraph of this letter shall be inserted in section 1 of H. R. 102.

Obviously the term "Asiatic laborer," whether used in the racial, the political, or the geographical sense, is too indefinite for practical administrative purposes. It is suggested, therefore, that there be inserted at line 15, page 3, of H. R. 102 a proviso reading as follows:

"Provided, That the term 'Asiatic laborer' for all purposes hereof shall be understood to mean a native of any country or district, or island adjacent thereto, situate east of a line composed of the Red Sea, the Mediterranean Sea, the Aegean Sea, the Sea of Marmora, the Black Sea, the Caucasus Mountains, the Caspian Sea, the Ural River, and the Ural Mountains, with the exception of Turkey in Asia; but the said term shall not be understood to include aliens the immigration of whom into the United States is regulated by existing agreements as to passports."

The above is not furnished as an absolute recommendation either as to wording or as to inclusion or exclusion of countries or peoples within or from the definition. Thus the word "native" may be too broad for the purposes the bill has in view, and it might be desirable to substitute therefor the word "national" or "subject" or "citizen." Again, it might be thought that excepting the whole of Turkey in Asia goes too far, or even that other Asiatic countries should be included in the exception. The boundary line designated is substantially that which in former times was regarded by geographers as separating Asia from Europe, and is not the line shown on modern maps, this being due to the fact that Russia apparently has in recent years moved the boundary line eastward on various occasions, so that Russia in Europe now includes a considerable tract that was formerly regarded as within the bounds of Asia. In this connection it might be remarked that recent investigations have shown that the steamship agencies in Europe are, in their search for prospective steerage passengers, rapidly reaching out into not only these sections that have been removed from Asia to Europe by Russia, but into the contiguous portions of the territory still regarded as Asia, and are about to be spread even into Persia.

H. R. 102 was commented upon at some length in May last, my letter and its inclosure having been printed as House Document No. 56, Sixty-third Congress, first session. With modifications of the nature then and now suggested the proposed measure meets with the approval of this department.

Of course, the department does not undertake to express any opinion as to whether the three bills herein discussed would, if enacted into law, conflict with treaties existing between the United States and any of the Asiatic countries the natives of which would be affected by the measures differently from natives of European countries. That would seem to be a question on which the Department of State is the proper executive department to express an opinion.

In this connection, however, I venture to suggest that probably a distinction could be made as to the gravity of the question between the bills contemplating the exclusion merely of Hindu laborers and that contemplating the exclusion of Asiatic laborers generally; for the reasons that the United States, of course, has no treaty directly with India, the only treaty with Great Britain that could be invoked being that of 1815, the provisions of which are neither explicit nor inclusive in so far as they approach in the least degree the "most favored nation" clause standing in various treaties with other nations, and I understand that Hindus are being excluded from Australia, Canada, and other colonies of Great Britain, notwithstanding the fact that natives of India are regarded as British subjects.

The Commissioner General of Immigration has suggested an amendment to section 2 of the existing law (section 3 of the Burnett measure) by including in the list of excluded aliens persons not able to pass the physical tests required of recruits for the United States Army; and inasmuch as the vast majority of our present-day immigrants must earn a livelihood, if at all, by performing manual labor, I can see no reason why the standard should not be raised to this point. This method would aid in solving the problem of Asiatic immigration, as well as immigration generally of laboring elements, without violating the "most favored nation" or other similar clauses contained in existing treaties; for the subjects and citizens of all countries would under such a law be treated, as to physical requirements, in exactly the same manner.

This letter has been prepared in conference with the Commissioner General, and represents his views as well as my own.

Respectfully,

W. B. WILSON, *Secretary.*

Mr. GARDNER. In other words, you say you have always said these Japanese ought to be excluded?

Mr. RAKER. Yes, sir.

Mr. GARDNER. Whether the President thinks so or not. Your constituents think so, and Mr. Raker is not going to take "backwater" for President Wilson or anybody else. That is what you say?

Mr. RAKER. I stand to-day as I always have stood. I admire the President as one of the sincerest, noblest, greatest, and best of Presidents, but upon the question of Asiatic exclusion—excluding all Asiatic labor—I stand for it first, last, and all the time, because I know the evils of what it has been and what it will be to this country. This country is bound to come to that some time or other, and now is the best time. There ought to be a law passed excluding them, so we will know we are not hereafter to be confronted with the problem, because those Asiatic races can not be assimilated by our people.

Mr. MOORE. Perhaps my colleague [Mr. Raker] will answer the question Mr. Gardner propounded to him, which was one which the Commissioner General did not feel called upon to answer, namely: Is there any politics in this urgent pressure of the Hindu-exclusion bill; or does it arise from a long, deep-seated hatred of the Hindu and a desire to keep him out of the country?

Mr. RAKER. Personally there is no "long, deep-seated hatred" as to any of them, so far as I am concerned. It does not apply to that at all, but it is a question of racial conditions, that is, the yellow race can not assimilate and can not become a part of the American or white race. We have one race question in the negro and the white, and we ought not, for God's sake, bring in another which is a hundredfold worse. Now is the time to stop it.

Mr. MOORE. That remark would appeal to the passions of a certain section of the country.

Mr. RAKER. H. R. 102 covers all Asiatic labor, and it ought to be the law.

Mr. MOORE. But the Commissioner General has stated that during the fiscal year ending June 30 there were but 154 Hindus, or thereabouts—

The CHAIRMAN (interposing). One hundred and eighty-four is what the report shows.

Mr. MOORE. Then say 184 Hindus were admitted into the United States. He has stated further that since June 30 every case brought before the courts for the exclusion of Hindus, to maintain the department's right to keep them out of the country, has been sustained.

Mr. GARDNER. Only about 70; he said 50 per cent.

Mr. CAMINETTI. We won all the cases; but with all that we could only exclude about 50 per cent of those applying.

Mr. MOORE. Then the commissioner appears here this morning, whether by call of the chairman I do not know—

Mr. CAMINETTI (interposing). It was voluntary on my part. I called up here—

Mr. MOORE (interposing). You are very welcome so far as I am concerned; I want that clearly understood.

Mr. CAMINETTI. Thank you.

Mr. MOORE. But the fact is that the commissioner appears and that our friends from California are here—Judge Raker is always here—and that there seems to be a remarkable persistency in passing

this Hindu labor bill, even though we have a smattering of information from the Canadian Government about a new order which extends the time for a few months, excluding everybody, including Hindus, and not excluding American labor, as has been stated. And it would seem that there may be some reason, apart from a mere love of the people generally, for the passage of this bill at this time.

Mr. RAKER. In answer to that question, "Is it politics?" I will say no; it is not politics; I believe the people are in earnest. It has been a national question with the party now in power to exclude Asiatic laborers. That was in their national platform in 1908.

Mr. MOORE. As shown by the statement of the Commissioner General himself, only 154 or 184 Hindus came in last year, and that this year he has won all the cases that were actually carried to court to exclude them.

Mr. RAKER. In addition to that, bill 102 provides registration; and there must be at least 150,000 Hindus in California. There ought to be a law, if we are going to carry out this policy—and I believe the American people are in favor of it—we ought to come right out and adopt a law that will exclude Asiatic laborers of all kinds.

Mr. MOORE. But the commissioner withdraws any suggestion to discuss the Japanese question to-day at all.

Mr. RAKER. The commissioner is here and the commissioner states, to be frank with him, and he will let it go into the record, I know, that he stands just as he did before, when he assisted in making the effort in behalf of H. R. 102, on the exclusion of Asiatic labor. Is not that right?

Mr. CAMINETTI. The record speaks for itself.

Mr. ADAIR. Mr. Moore and Mr. Gardner, are you in favor of the exclusion of the Hindu?

Mr. MOORE. When that question arises I will answer it. I have not been fully informed upon this question. I say to you there is no such agitation in my section with regard to this matter as there seems to be on the Pacific coast, and I assure you I approach the subject with an open mind.

Mr. ADAIR. Mr. Raker, Mr. Gardner and the commissioner have been discussing this, and I thought, perhaps, you had been able to make up your mind.

Mr. MOORE. I am listening to the evidence and trying to extract something from it.

Mr. ADAIR. I have heard this question discussed around this table. I have thought all of the time that you gentlemen were in favor of legislation excluding both the Hindu and the Japanese.

Mr. GARDNER. I will assure you that you have never heard me say here anything to that effect; and, furthermore, I said on the floor of the House, when Mr. Raker's bill was up, that I was very doubtful as to whether it was a wise question to raise at the present time.

Mr. ADAIR. Apparently I have misunderstood—

Mr. GARDNER. You are putting things in the record and I must insist upon explaining. If I were impressed with the necessity and the serious necessity of excluding the Japanese and Chinese; if there were any vast number coming in or any larger number, I would not care what international question it raised, I would vote to exclude; but I do not think that is the situation, as far as I have gone into it.

Mr. Caminetti might persuade us, if he would give us some information to show that this vast number of Hindus and Japanese are in reality any more than——

Mr. ADAIR (interposing). I desire to state that I misunderstood the position of both Mr. Gardner and Mr. Moore. But, coming back now to this question of politics——

Mr. MOORE (interposing). I do not know whether you understand my question or not. Since Mr. Gardner has explained his position, I might tell you this—you asked me a plain question, whether I would vote for or against the Japanese exclusion proposition—I say to you, I am not fully informed; I have not heard all the evidence on both sides of this question. We have not attempted to investigate this matter thoroughly yet. We hear the California and the Pacific Coast side in parts; but I might just as fairly ask you, Would you be in favor of a bill to open warlike hostilities with Japan? The question would be just as fair. I do not think you would want to answer.

Mr. ADAIR. Just give me a chance to make a statement. You gentlemen are taking up all the time. I seldom say anything on this question.

Mr. GARDNER. You started using our names.

Mr. ADAIR. I will say that I am in favor of Japanese exclusion when the proper time comes for it.

Mr. MOORE. Then you are for Japanese exclusion?

Mr. ADAIR. The statement I want to make is this: You are talking about this being politics. There may be some conditions prevailing at this time that makes it unwise to take up the question of Japanese exclusion at this particular time.

Mr. MOORE. Exactly. You have just come to it.

Mr. ADAIR. Can you refrain just a moment?

Mr. MOORE. I can not with this Mexican situation confronting us.

Mr. ADAIR. There may be some reason why it should not be taken up at this time, and if there is not any reason why it should not be taken up at this time I am in favor of taking it up; but I do not think it is fair to Mr. Caminetti. He may have information from the State Department which leads him to believe it is unwise to take up this question of Japanese exclusion at the present time, and if he has that kind of information it is not his business just now to state it to this committee, and it seems to me it is very unfair to the President. If there are no reasons why Hindu exclusion should not be taken up, let us take it up and act upon it. I assume there are reasons why we should not take up the Japanese question at this time, and that is the reason I am not in favor of taking it up. But to say it is politics because we want to take up one and not take up the other is not fair.

Mr. GARDNER. I notice Mr. Hayes, of California, is not here, and he naturally is not here when he did not know this question was going to be discussed.

Mr. ADAIR. This bill is not going to be acted upon this morning.

Mr. GARDNER. Mr. Hayes is not here, and he is just as much interested in this matter as are Mr. Raker and Mr. Church.

Mr. ADAIR. Nobody wants to take action upon it this morning.

The CHAIRMAN. I want to say in regard to that, that perhaps I am at fault about it. The call was, and so stated, to consider a

naturalization bill, and it was merely supposed Mr. Caminetti wanted to come up and make a statement, and that the committee should question Mr. Caminetti in regard to it.

Mr. RAKER. I heard Mr. Hayes ask the chairman, Mr. Burnett, yesterday afternoon about 5 o'clock if the committee would meet to-day, and he told him it would, and he said, "All right; I will be there."

Mr. GARDNER. Was he notified this was coming up?

Mr. RAKER. I do not know.

Mr. GARDNER. Mr. Church was notified.

Mr. ADAIR. I am not in favor of acting on this bill this morning.

Mr. GARDNER. It is not a question of acting on the bill.

The CHAIRMAN. I want to say a word in regard to the political purpose: The attitude in regard to the Japanese exclusion at all times—without claiming or proposing to speak for the Department of State—I believe they feel like I do and like Mr. Gardner has felt all along, that the agreement we already have is reaching the conditions substantially; that there are not enough of them coming in to be an acute condition at all, and therefore it is not necessary to have legislation at this time; and that if the present law is not sufficient; if the Japanese laborers are not being sufficiently excluded, that the State Department by further negotiations can secure an agreement ample to meet the situation. If too many are coming in all that can be remedied by negotiation without legislation.

The legislation in regard to the Hindu question has been that while heretofore the law has been effective, yet it was in danger of becoming an acute condition; and that is why I favored the hearing upon it at once and a consideration of the bill; that I have not favored, and do not now favor a consideration of the Japanese bill, because I do not think that conditions, either present or threatening, indicate any necessity for it. Since the Hindu bills ought not to be gone into at this time in the absence of members who reside on the Pacific coast, and since it is past 12 o'clock, we will now adjourn, the consideration to be concluded at the next meeting. I want it understood there was no desire on my part to take advantage of the absence of the other Pacific coast members.

Mr. CAMINETTI. Might I state, in justice to the chairman, that there was no intention on my part to bring up a discussion in the absence of Mr. Hayes. It was not intended to discuss this matter at all. I merely came up here to offer that additional order, to request that the prior hearings be printed, and endeavor to get a time set in the future for the hearing of the Hindu bills. I had no idea that this discussion would take place.

The CHAIRMAN. That was what Mr. Caminetti asked permission to appear for, merely for the purpose of filing that order.

The committee will meet next Thursday and try to conclude this matter.

(Thereupon, at 12.20 o'clock p. m., the committee stood adjourned to meet next Thursday, April 23, 1914, at 10.30 o'clock a. m.)