THE CHINESE BILL VETOED.

PRESIDENT ARTHUR SAYS IT VIOLATES THE NATION'S FAITH.

Pointing Out where it Conflicts with the Treaty Made with China in 1880—The President's Suggestions as to Modifications that Might be Made in the Legislation.

WASHINGTON, April 4.—Following is the message sent by the President to the Senate to-day vetoing the Chinese Immigration bill:

To the Senate:

After careful consideration of Senate bill No. 71 entitled "An act to execute certain treaty stipulations relating to Chinese," I hereewith return it to the Senate in which it originated, with my objections to its passage.

A nation is justified in repudiating its treaty obligations only when they are in conflict with great paramount interests. Even then all possible reasonable means for modifying or changing those obligations by mutual agreement should be exhausted before resorting to the supreme right of refusal to comply with them.

These rules have governed the United States in their past intercourse with other powers as one of the family of nations. I am persuaded that if Congress can feel that this act violates the faith of the nation as pledged to China, it will concur with me in rejecting this particular mode of regulating Chinese immigration, and will endeavor to find another by which shall meet the expectations of the people of the United States without coming in conflict with the rights of China.

The present treaty relations between that power and the United States spring from an antagonism which the Burlingame treaty conferred upon Chinese subjects for the purposes of curiosity or trade, or as permanent residents, and was in all respects reciprocal as to citizens of the United States in China. It gave to the voluntary emigrant coming to the United States the right to travel there or reside there, with all the privileges, immunities, or exemptions enjoyed by the citizens or subjects of the most favored nation.

Under the operation of this treaty it was found that the institutions of the United States and the character of its people and their means of obtaining a livelihood might be seriously affected by the unrestricted introduction of Chinese labor. Congress attempted to alleviate this condition by legislation, but the act which it passed proved to be in violation of our treaty obligations, and, being returned by the President with his objections, failed to become a law.

Diplomatic relief was then sought. A new treaty was concluded with China. While not abrogating the Burlingame treaty, it was agreed to modify it so far that the Government of the United States might regulate, limit, or suspend the coming of Chinese laborers to the United States, or their residence therein, but that it should not absolutely prohibit them, and that the limitation or suspension should be reasonable, and should apply only to Chinese who might come to the United States as laborers, other classes not being included in the limitations. This treaty is unilateral, not reciprocal. It is a concession to the Government of the United States of some of the rights which it was enjoying under the Burlingame treaty. It leaves us by our own act to determine when and how we will enforce those limitations. China may therefore fairly have a right to expect that the power thus given us will take good care not to overshoot the grant and take more than has been conceded to me.

It is a year since the new treaty, under the operation of the Constitution, became part of the supreme law of the land; and the present act is the first attempt to exercise the more enlarged powers which it confers upon the Government of the United States in its first article. The United States is empowered to decide whether the coming of Chinese laborers to the United States, or their residence therein affects or threatens to affect our interests, or to endanger good order, either within the whole country or in any part of it. The act recites that "in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities thereof." But the act itself is much broader than the recital. It acts upon residence as well as immigration, and its provisions are effective throughout the United States. I think it may fairly be accepted as an expression of the opinion of Congress that the coming of such laborers to the United States and their residence therein affect our interests and endangers good order throughout the country. On this point I should feel it my duty to accept the views of Congress.

The first article further confers the power upon the Government to regulate, limit, or suspend, but not autually to prohibit the coming of such laborers to or their residence in the United States. The negotiators of the treaty have recorded with unusual fulness their understanding of the sense and meaning with which these words were used.

As to the class of persons to be affected by the treaty the Americans inserted in their draft a provision that the words "Chinese laborers" signify all immigration other than that for pleasure, trade, travel, study, and curiosity. The Chinese objected to this that it operated to include artisans in the class of laborers whose immigration might be prohibited. The Americans replied that they should not consent that artisans shall be excluded from the class of Chinese laborers, for it is this very class of Chinese, if skilled labor in the cities, where the Chinese are thoroughly organized, which has caused the annoyance, and popular discontent. In the subsequent negotiations this difficulty is directly said, and the article finally agreed to in article 2 of the treaty confers the rights, privileges, immunities, and exemptions which are accorded to citizens and subjects of the most favored nation upon Chinese subjects proceeding to the United States as teachers, students, merchants, or from curiosity. The American Commissioners in their report to their Government claimed that in this article they had secured a concession that nobody should be entitled to claim the benefit of the general provisions of the Burlingame treaty but those who might go to the United States as laborers, or come for those purposes. I accept this as the definition of the word "laborers" as used in the treaty.

As to the power of suspending, or even regulating this class of persons, the new treaty proves that we may not absolutely prohibit their coming or their residence. The Chinese Commissioners gave notice in the outset that they should never agree to a prohibition of Chinese immigration. Notwithstanding this, the United States Commissioners submitted a draft in which it was provided that the United States might "regulate, limit, suspend, or prohibit" it. The Chinese refused to accept this. The Americans replied that they were willing to consult the wishes of the Chinese Government in proving for the cessation of free intercourse between the people of the two countries, as established by existing treaties, provided that the right of the United States Government to use its discretion in guarding against any possible evils of immigration of Chinese laborers as distinctly recognized. Therefore, if such concession remains a difficulty on the part of the Chinese Commissioners, but only in that case, the United States Commissioners will agree to remove the word "prohibit" from their article and to use the words "regulate, limit, or suspend" in their place. Chinese reply to this cannot be inferred from the fact that in the place of an agreement, as proposed by our Commissioners, that we might prohibit the coming or residence of Chinese laborers, there was inserted in the treaty an agreement that we might not do it.

The remaining words, "regulate, limit, and suspend," first appear in the American draft. When it was similarly rejected by the Chinese they said: "We infer that of the phrases regulate, limit, suspend, or prohibit, the first is the one which your Excellencies prefer to the others. We are entirely ready to negotiate with your Excellencies to the end that a limitation either in point of time or numbers may be fixed upon by the emigration of Chinese laborers to the United States." At a subsequent interview they said that "by limitations in number they meant, for example, that the United States having, as they supposed, a record of the number of immigrants in each year, as well as the total number of Chinese now here, no more should be allowed to go in any one year than either the greatest number which had gone in any year in the past, or if the total number should never be allowed to exceed the number now there. As to limitation of time, they meant, for example, that Chinese should be allowed to go in alternate years, or every third year, or for example that there should not be allowed to go for two, five, or ten years." At a subsequent conference the Americans said: "The Chinese Commissioners have in their project explicitly recognized the right of the United States to regulate, limit, or suspend, or impose a limitation as to time and number. This is the right to regulate, limit, or suspend."

In one of the conferences the Chinese asked the American Commissioners if they could give them any idea of the laws which would be passed to carry the powers into execution. The Americans answered that this could hardly be done, as that the laws might vary from time to time, as might be found necessary to exercise this power. It would depend upon circumstances. If Chinese immigration concentrated in cities, where it threatened public order, or if it conflicted in localities in which it was an injury to the interests of the American people, the Government of the United States would undoubtedly take steps to prevent such accumulations of Chinese. On the contrary, there was no large immigration, or if there were sections of the country where such immigration was clearly beneficial, then the laws among of the United States under this treaty would be adapted to those circumstances. For example, there might be a demand for Chinese labor in the south and a surplus of such labor in the north, and the laws might vary in accordance with these facts. In general, the legislation would be in view of changed conditions or circumstances, and the application at any moment such legislation became necessary. The Chinese Commissioners said this notion was satisfactory; that they had not intended to ask for a draft of any special act, but for some general rule by which the power might be exercised. What just has been said gave them the explanation which they wanted.

With this opinion accorded as to the meaning of the words used in the treaty and laws, and the object of the legislation which might be enacted under it, I proceed to consider the treaty, in the light in which the Government of the United States and the Chinese Government intended it when they made it. The first article provides that the Government of the United States may regulate, limit, or suspend the coming or residence of Chinese laborers to the United States, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may come to the United States as laborers, other classes not being included in the limitations. This treaty is unilateral, not reciprocal. It is a concession to the Government of the United States of some of the rights which it was enjoying under the Burlingame treaty. It leaves us by our own act to determine when and how we will enforce those limitations. China may therefore fairly have a right to expect that the power we will take good care not to overshoot the grant and take more than has been conceded to me.

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