Sino American Relations

Philip Lin

Fort Hays Kansas State College

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SINO-AMERICAN RELATIONS

being

A thesis presented to the Graduate Faculty of the Fort Hays Kansas State College in partial fulfillment of the requirements for the Degree of Master of Science

by

Philip Lin, B. A.
Fukien Christian University
Foochow, China

Date July 24, 1942  Approved: W. Moreland
Major Professor

Chr. Grad. Council
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### TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I.</strong> INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td><strong>II.</strong> EARLY RELATIONS AND TREATIES</td>
<td></td>
</tr>
<tr>
<td>A. The beginning of formal intercourse</td>
<td>5</td>
</tr>
<tr>
<td>B. Development</td>
<td></td>
</tr>
<tr>
<td>1. Treaties</td>
<td>7</td>
</tr>
<tr>
<td>2. Diplomatic Service</td>
<td>27</td>
</tr>
<tr>
<td>3. Commercial Agreements</td>
<td>31</td>
</tr>
<tr>
<td><strong>III.</strong> AMERICANS IN CHINA</td>
<td></td>
</tr>
<tr>
<td>A. The Clause of &quot;The most favored nation.&quot;</td>
<td></td>
</tr>
<tr>
<td>1. Extraterritoriality</td>
<td>36</td>
</tr>
<tr>
<td>2. The protection of citizens and property</td>
<td>38</td>
</tr>
<tr>
<td>B. Missionary</td>
<td>40</td>
</tr>
<tr>
<td>1. Religious work</td>
<td>42</td>
</tr>
<tr>
<td>2. Cultural work</td>
<td>46</td>
</tr>
<tr>
<td>3. Philanthropic work</td>
<td>47</td>
</tr>
<tr>
<td>C. Commerce and Trade</td>
<td>49</td>
</tr>
<tr>
<td>1. Importation and exportation</td>
<td>50</td>
</tr>
<tr>
<td>2. American business investments</td>
<td>54</td>
</tr>
<tr>
<td>D. Noted Men</td>
<td>55</td>
</tr>
</tbody>
</table>
IV. CHINESE IN AMERICA

A. History of Chinese Immigration 64
B. Labor problems and the effects 68
C. Exclusion Acts 77
D. Cases cited 82

V. PRESENT ATTITUDES AND POLICIES

A. American's policy
   1. Open Door 101
   2. Democracy 107
B. China's Policy 112
C. Lease-lend 116

VI. SUMMARY AND CONCLUSIONS 118
CHAPTER I

INTRODUCTION

Nations are like individuals bound to live together. The ways through which nations aim to live together for the purposes of mutuality, reciprocity and peace should be the principles of international relations. Thus international relations mean how to carry out these principles in actual intercourse with one another. International relations should also mean the respect of individual nation's rights, sovereignty and national integrity. In dealing with this, it is particularly necessary for the stronger, more modern, more industrialized State to treat the weaker ones on this basis. If these principles are basic to international relations, then the Sino-American relations have accomplished their goal to a great extent.

The history of Chinese and American relations during the past one hundred years is one of good will, reciprocity, amity, and mutuality. The two nations have steadily followed these general principles in their relations with each other. Although there have been a few minor cases of mal-adjustment and misunderstanding such as the Immigration Acts and the Boxer rebellion campaign, yet, by and large, there has never been an armed conflict between these two great nations. Both nations have waged wars against a
number of third powers for one reason or another, but they have succeeded in settling their differences by peaceful means. This is the most significant aspect of the Sino-American relations in the entire history of international relations.

The fidelity in observing these basic principles of international relations are of two-fold sources. On the side of China, she adopts her attitudes and policies from her five thousand years old culture and traditions of peace-loving, justice-loving and sincerity. On the side of the United States, the policies and attitudes are derived from the spirit of the Declaration of Independence, from the ideals of the Bill of Rights, and from the inspirations of the struggles of its people for freedom, independence and equality during the Colonial day. Thus, ever since the very beginning of the intercourse, China extended voluntarily the most favored clause to the United States, and the United States on the other hand, has carried on its traditional, consistent policy of 'Open Door', respect of China's national integrity and independence toward China.

China and the United States are both Pacific powers. The existence of friendship between the two nations means peace and stability of the Pacific in general and the good and mutual benefits for the two nations in particular. China is an agricultural country with its potential four
hundred and fifty million people and enormous quantity of natural resources and raw materials, with its undeveloped riches and man power. America is a highly industrialized nation with its highly organized systems of government and social life, highly developed scientific and technological knowledge. China needs America's products and scientific and technical help in developing and building a modern nation. The United States needs China's philosophy of harmony, raw materials and market. China and the United States can exchange the best from one another for respective national interests and benefits and for mutual interests and benefits.

How true is the following statement by an American writer regarding the light of the relationships between the countries?

A nation's best interest in the long run, is found in the best interest of other nations. At least, if such a generalization be challenged, this is true of the relations between the United States and China. Furthermore, mutual and enlightened self-interest forms a much more lasting and substantial basis for international welfare and good will than do sentiment and emotion, regardless of their high quality.  

Sino-American relations have been conducted and carried on through many channels. There are the official and diplomatic fields through which we have official documents, treaties and agreements as the guiding means of the general commun-

cations of the two nations; the interest and economic groups through which the two nations carry on trade, business, commerce and transportation with each other; the cultural groups through which we have exchanged students, teachers, as the medium of cultural diffusion, and finally the religious and philanthropic societies as the missionaries, and the like organizations through which better understanding and goodwill among the peoples of the two countries are developed.
CHAPTER II

EARLY RELATIONS AND TREATIES

THE BEGINNING OF FORMAL INTERCOURSE

Sino-American relations began primarily in economic interests by which early businessmen and seamen went to China and brought back things which attracted American people's interest and attention. During the Colonial period American trade and business with China was carried on mainly through the good office of the British East Indian Company. Among the things received in these colonies from China tea and silk were most popular and welcomed. Beside this some things were brought back by the indirect source, that is by the daring American pirates or privateers who in the Seventeenth and Eighteenth century cruised the Asiatic waters.

Soon after the Independence of the United States was attained American merchants desired to participate directly in the rich Eastern trade and American vessels began to trade direct with China. According to the official record the first ship, the Empress of China, sailed from New York City to Canton in February, 1784, and thus commenced the formal trade with China. As the trade increased the demand of a consul to supervise it became essential. Colonel Shaw, the supercargo of the first American voyage, was later
made consul in 1876. He resided at Canton. The consuls succeeding him, resided in Canton intermittently, received no salary from the American Government, their fees never exceeded $500 a year, and they had no actual authority over their nationals. The American trade with China was confined to the city of Canton at that time.

By 1820 the American commerce with China exceeded every nation except that of Great Britain. In 1840 President Van Buren sent a special message to Congress,1 communicating information respecting the trade with China, and in 1842 President Tyler transmitted to Congress a message (H. Ex. Doc. No. 119, 20th Cong. 1st Sess.), prepared by Secretary Webster urging that adequate provision be made for official representation to the Empire of China. As the result of this latter recommendation an appropriation was made by Congress (5 Stat. at L. 624) "to establish the future commercial relations between the United States and the Chinese Empire on terms of national equal reciprocity."

Caleb Cushing of Massachusetts was named the head of the American mission to China to secure formal treaties rights for their nationals.

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1. **Treaties.**

Soon after the Opium War, China signed the Treaty of Nanking with Great Britain in 1842, and a Supplementary Treaty for tariff and general trade regulations on July 22, 1843. These contained a crude extraterritorial provision and the five ports of Canton, Amoy, Foochow, Ningpo, and Shanghai opened for trade and residence.

The Chinese did not intend that the British alone should enjoy the privileges which they had been forced to concede. The eight articles of the Supplementary Treaty of 1843 clearly stated that the Emperor of China had been "graciously pleased to grant to all foreign countries whose subjects or citizens have hitherto traded at Canton, the privileges of resorting for the purposes of trade to the other four ports of Foochow, Amoy, Ningpo, and Shanghai on the same terms as the English."

This was confirmed in an exchange of letters between the American Commodore Kearney and the governor of Canton. The American mission headed by Mr. Caleb Cushing was conveyed in a frigate to Macao, an island south of Canton ceded to Portugal, where it arrived on February 24, 1844. China then considered other nations as dependents and their representatives as tribute-bearers. Mr. Cushing was instructed by Secretary of State Webster to make known "that you are no tribute-bearer; that your government pays tribute to none and expects tribute from none." Here was laid down the policy of the American government toward China and it has ever
since been followed.

Hearing about the arrival of Mr. Cushing's mission, the American businessmen and residents in Canton and its adjoining area voiced opposition to a treaty. They had enjoyed all the rights without a treaty which were even more favorable than the British with a treaty. They also thought that the conclusion of a treaty might not guarantee the existing privileges they received.

In spite of the opposition, Mr. Cushing tried to proceed to Peking for a negotiation of a treaty. After trying unsuccessfully to arrange such a negotiation in the Capital, he proceeded to treat with Kijing, viceroy of the two Kwang provinces, who returned from Peking for that purpose. The commissioners took up their task on the 21st of June at Wanhia, a village just outside the Portuguese limite of Macao. On July 3rd the treaty was signed. Based as it was upon the two previous British treaties, it incorporated in one text, and frequently with more exact terms, the privileges granted in the two earlier conventions. Thus it inaugurated American official, political, and commercial relations with China which have continued unbroken.

What is the significance or important points of the first treaty between these countries? It was a 'Treaty of Peace, Amity, and Commerce with Tariff of Duties'. The treaty contained thirty-four articles.
The proclamation and Article One clearly stated the aims of the treaty which serve as the fundamental principles in conducting relations between America and China:

The United States of America and the Ta Tsing Empire desiring to establish firm, lasting, and sincere friendship between the two nations, have resolved to fix, in a manner clear and positive, by means of a treaty or general convention of peace, amity, and commerce, the rules which shall in future be mutually observed in the intercourse of their respective countries. 2

Article I. There shall be a perfect, permanent, universal peace and a sincere and cordial amity between the United States of America on the one part, and the Ta Tsing Empire on the other part, and between their people respectively, without exception of persons or places.

Article II. Citizens of the United States resorting to China for the purpose of commerce will pay the duties of import and export prescribed in the tariff, which is fixed by and made a part of this treaty. If the Chinese Government desired to modify the tariff, the consent of the United States was required.

Article III. The citizens of the United States are permitted to frequent the five ports of Kwangchow (Canton), Amoy, Foochow, Ningpo, and Shanghai. Free movement was permitted between these ports and any foreign port.

Article IV. The government of the United States may appoint consuls for the regulation of the concerns of the

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United States citizens at the said five ports. These were to be recognized by the officers of the Chinese government on terms of equality and reciprocal respect.

Article V. Citizens of the United States lawfully engaged in commerce shall be permitted importation and exportation of all manner of merchandise, except that which is prohibited by Treaty, paying the duties prescribed by the tariff.

Article VI. Any merchant-vessel belonging to the United States entering any of the five ports for trade, her papers shall be lodged with the Consul who will report the same to the commissioner of the custom; and the tonnage duty shall be paid on said vessel at the rate of five mace per ton. Upon its departure the same procedure shall be observed.

Article VII. No tonnage duty shall be required on boats belonging to the citizens of the United States, employed in the conveyance of passengers, baggage, letters and articles of provision, or others not subject to duty to or from any of the five ports.

Article VIII. Citizens of the United States for their vessels bound in shall be allowed to engage pilots to take the ship into ports and to leave the ports. It shall also be lawful for them to hire servant, laborers, seamen and other personnel.

Article IX. The Superintendent of the Chinese Custom
will appoint customhouse officers to guard the vessels belonging to the United States in the said five ports.

Article X. Within forty-eight hours of the arrival of the vessel belonging to the United States, its paper should be deposited, and the consul is to communicate with the Superintendent of Custom and make a true report of the seamen and cargo of the vessel.

Article XI. The Superintendent of Customs will appoint suitable officers to make a just and fair examination of all goods in the act of being discharged for importation, or laden for exportation, on board any merchant vessel of the United States.

Article XII. Sets of standard balances, weights and measures shall be delivered by the Superintendent of the Customs to the consuls at each of the five ports to secure uniformity in measures and weights of merchandise.

Article XIII. The tonnage duty on vessels belonging to citizens of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same.

Article XIV. No goods on board any merchant vessel in port are to be transhipped to another vessel without the consent of the Superintendent of the Custom.

Article XV. Citizens of the United States engaged in the purchase or sale of goods of import or of export,
are admitted to trade with any and all subjects of China without limitation.

Article XVI. The United States citizens residing or sojourning at the five ports are entitled to obtain house, places or business, in hiring sites to construct houses, and places of business, also hospitals, churches and cemeteries.

Article XVII. It is lawful for the United States citizens to employ scholars to teach any of the languages of the Empire and to assist in literary labour.

Article XVIII. Both governments will not hold responsible for any debts which happen to be due from subjects of either side, but may seek redress in law.

Article XIX. All American Citizens are entitled to special protection of local authorities of government, who shall defend them from all insult or injury of any sort on the part of the Chinese.

Article XX. The imported merchandise with the duty paid thereon can be re-exported in part or in whole upon the permit of the Superintendent without being subject to the payment of additional duty thereon.

Article XXI. A Subject of China, who may be guilty of any criminal act towards citizens of the United States shall be arrested and punished by the Chinese authorities according to the laws of China; and the citizens of the United States who may commit any crime in China, shall be subject
to be tried and punished only by the consul, or other public functionary of the United States thereto authorized, according to the law of the United States.

Article XXII. In case of war between China and third powers, the full respect is being paid to the neutrality of the flag of the United States and its vessels continue to enjoy freedom and security in transporting goods to and from the ports of the belligerent parties.

Article XXIII. The United States consuls at each five ports shall make annually, to the respective Governor-general thereof, a detailed report of the number of vessels and amount of values of goods imported and exported in said vessels, belonging to the United States.

Article XXIV. If controversy arises between citizens of the United States and the subjects of China, which can not be amicably settled otherwise, the same shall be examined and decided conformably to justice and equality by the public officers of the two nations acting in conjunction.

Article XXV. All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction and regulated by the authority of their own government; and all controversies occurring in China between citizens of the United States and the subject of any other
government shall be regulated by the treaties existing between the United States and such governments, without interference on the part of China.

Article XXVI. American merchant vessels lying in the waters of the five ports, will be under the jurisdiction of their own government.

Article XXVII. American vessels in case of wreck or of taking refuge in any port other than free ports, the persons on board shall receive friendly treatment, and the means of safety and security.

Article XXVIII. Citizens of the United States, their vessels and property shall not be subject to any embargo, nor shall they be seized or forcibly detained for any pretence of the public service.

Article XXIX. Extradition of all mutineers or deserters from on board the vessels and criminals taking refuge in the house or on board of the United States vessels. If the individuals of either nations commit acts of violence or disorder, the officers of the two governments will exert themselves to enforce order, and to maintain the public peace by doing impartial justice in the premises.

Article XXX. The superior authorities of the United States and of China, in corresponding together, shall do so in terms of equality, and in form of mutual communication.

Article XXXI. Communications from the government of the United States to the court of China shall be trans-
mitted through the medium of the Imperial Commissioner charged with the superintendent of the concerns of foreign nations with China.

**Article XXXII.** The United States warships, in cruising for the protection of commerce, shall arrive at any ports of China, the Commanders of said ships and the superior local authorities of the government, shall hold intercourse, together in terms of equality and courtesy.....and the said ships shall enjoy all suitable facilities on the part of the Chinese Government.

**Article XXXIII.** The United States citizens, who shall attempt to trade clandestinely with such of the ports of China as are not open to foreign commerce, or who shall trade in opium or any other contraband article of merchandise, shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by subjects of other nations, as a cover for violation of the law of the Empire.

**Article XXXIV.** The treaty concluded shall be obligatory on both powers and its provisions shall not be altered without grave cause.

Trade and commerce were the two main interests of the early relations between China and the United States. Thus
the regulation of tariff rates is also included in the first treaty. Importation and exportation then were wholly carried by the citizens of the United States. The tariff rates were fixed, from as low as .015 per cent to ten per cent and no change can be made by China alone thus China at the very beginning lost independent action on the matter of the tariff of duties.

It is important to note that from the very beginning the American government prohibited its citizens to ship opium to China. Opium was particularly listed as contraband in the first treaty and the violators of the provision received punishment as defined in Article XXXIII. In other words, the person who was engaged in opium trade was liable to lose his citizenship and would be put under Chinese jurisdiction, while all other Americans were protected by the law of the United States. It is obviously very severe punishment. Learning from the experience of the opium trade with China, with its unhappy results, and resentment and strong attitudes of the Chinese, with its moral issues involved, the Government of the United States had been very careful and fair in dealing with the problem of opium. To the Western businessmen opium trade was the most profitable business. To the Chinese it means deadly drug which causes moral deterioration and physical degeneration. The Chinese government then was willing to grant every possible privilege and advantage to Western
nations for commerce and trade, even the provisions of extra-territoriality, except the opium trade as shown in the American treaty.

The revision of treaty and the treaty of Tientsin June 18, 1834

Although China had granted those special privileges to the Western world, yet those special privileges had not been fully enjoyed, and occasionally could not be fully enjoyed. There were three possible explanations for the situation: For one reason the Western envoys so far had no chance to obtain an audience with the emperor, and to establish an embassy in Peking; For the other, business, commerce and trade, had been steadily increasing, the expansion of commerce sphere became necessary; And the last one was the occasional persecution of missionaries which constituted a good cause for the demand of treaty revision.

In 1855 to 1857, Dr. Peter Parker, who had previously been a medical missionary in China, was now in the post of United States Commissioner. He was anxious to secure revision of the treaty of 1844. Learning that this privilege was to be denied him, Parker advocated the occupation of Formosa (an island north of the Philippines, ceded to Japan 1895) to force the Chinese to observe the treaty, to prevent some European power from taking it, and to provide the United States with coaling stations. His proposals were disavowed in Washington.
In 1857 Great Britain and France allied against China for the revision of treaties from which developed the Arrow War. The allies attacked Tientsin and Tanku Port, and advocated the joint action of the United States. Washington would only endorse peaceful cooperation in securing its ends; namely, reparation of injuries and missionary toleration. The war was ended in the treaty of Tientsin. The American government appointed, in May, 1857, William B. Reed as envoy extraordinary and minister plenipotentiary to China in order that the United States might be in a position to press China for all those commercial and diplomatic gains won by the force of British and French arms. As a result of negotiation, the American terms were signed on June 18, 1858. Under the new treaty the privileges of missionaries and toleration of Christian religion had been clearly stipulated which were typical of the new treaty rights. Ten new ports were to be opened for trade by China, of these seven were named in the American treaty. The American treaty included thirty articles which can be summed up in the following headings:

The United States and China. The Treaty of Tientsin, June 18, 1858 Articles

1. Declaration of amity (which seems very important of United States policy defined toward China by Secretary

Cass. Therefore the full content of the article will be necessary)

There shall be, as there have always been, peace, and friendship between the United States of America and the Ta Tsing Empire (China), and between their people respectively. They shall not insult or oppress each other for any trifling cause so as to produce an estrangement between them, and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings.

Seward-Burlingame Treaty, 1868.

After the French-Anglo war with China, a rude awakening for China from its seclusion and conservatism, it began to see a new policy of broader and freer intercourse with foreign nations. Anson Burlingame, who since 1861 had resided at Peking as minister from United States, and by his skill and friendly conduct had gained the confidence of the Chinese government, was invited in 1868 to become the head of an imperial embassy to visit Western nations and through treaties and personal intercourse established amicable and freer political and commercial relations with them.4

This notable embassy first visited the United States, where it was received by the President, and congress, etc., with distinguished attention. The American government being in full sympathy with the objects of the embassy, a treaty was readily negotiated with its

plenipotentiaries by Secretary Seward, wherein the rights of China were protected respecting all grants of lands or concessions to foreigners for internal improvements, freedom of conscience, and religious worships were granted, unnecessary diction and intervention in internal affairs were to be discouraged, change of home and allegiance and free emigration were stipulated, and the privileges of unrestricted travel and residence in China and the United States, upon the basis of the most favored nation was agreed to.

Minister Burlingame was sent to China during President Lincoln's administration who had undoubtly great influences on his sympathy with China, and the Burlingame treaty was made possible immediately after the Civil War while America strived for equality and freedom. In spirit the Burlingame treaty expressed national equality and mutual most favored nation terms—whatever Americans enjoy in China, Chinese enjoy similar privileges in America. As a minister, he stood for good will to China, as the head of Chinese embassy, he strived for justice and equality of humanity. Mr. Burlingame died in St. Petersburg while on his sacred mission for China. In practice the Burlingame treaty has never been fully observed; its result was and still is unfortunate. By the virtue of the treaty, Chinese emigrants began to come to the United States. Immigration caused prejudice, and prejudice caused discrimination of legislation against
the Chinese immigration. At three different times the American government passed laws restricting Chinese immigration. The reaction in China was culminated in the famous 1904-5 national boycott against American goods. The trouble was settled through the good efforts of President Theodore Roosevelt. The immigration laws are still in effect, and the Burlingame treaty has never been denounced or repealed. There is good ground to find justifications for this. But the justifications are purely naive which violate the fundamental principles of the most favored nation clause. As one of the most important documents the full text of the Burlingame treaty is hereby recorded.

The United States and China. Treaty of Trade, Consuls, and Emigration, July 4, 1868:

**ARTICLE I.**

"His Majesty the Emperor of China, being of the opinion that, in making concessions to the citizens or subjects of foreign powers of the privilege of residing on certain tracts of land, or resorting to certain waters of that Empire for purposes of trade, he has by no means relinquished his right of eminent domain or dominion over the said land and waters, hereby agrees that no such concession or grant shall be construed to give to any power

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or party which may be at war with or hostile to the United States the right to attack the citizens of the United States or their property within the said lands or waters. And the United States, for themselves, hereby agree to abstain from offensively attacking the citizens or subjects of any power or party or their property with which they may be at war on any such tract of land or waters of the said Empire. But nothing in this article shall be construed to prevent the United States from resisting an attack by any hostile power or party upon their citizens or their property.

It is further agreed that if any right or interest in any tract of land in China has been or shall hereafter be granted by the Government of China to the United States or their citizens for purposes of trade or commerce, that grant shall in no event be construed to divest the Chinese authorities of their right of jurisdiction over persons and property within said tract of land, except so far as that right may have been expressly relinquished by treaty.

ARTICLE II.

The United States of America and His Majesty the Emperor of China, believing that the safety and prosperity of commerce will thereby best be promoted, agree that any privilege or immunity in respect to trade or navigation within the Chinese dominions which may not have been stipulated for by treaty, shall be subject to the discretion
of the Chinese Government and may be regulated by it accordingly, but not in a manner or spirit incompatible with the treaty stipulations of the parties.

ARTICLE III.

The Emperor of China shall have the right to appoint Consuls at ports of the United States, who shall enjoy the same privileges and immunities as those which are enjoyed by public law and treaty in the United States by the Consuls of Great Britain and Russia, or either of them.

ARTICLE IV.

The 29th Article of the treaty of the 18th of June, 1858, having stipulated for the exemption of Christian citizens of the United States and Chinese converts from persecution in China on account of their faith, it is further agreed that citizens of the United States in China of every religious persuasion, and Chinese subjects in the United States, shall enjoy entire liberty of conscience and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead, of whatever nativity or nationality, shall be held in respect and free from disturbance or profanation.

ARTICLE V.

The United States of America and the Emperor of China cordially recognize 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, respectively, from the one country to the other, for purposes of curiosity, of trade, or as permanent residents. The high contracting parties, therefore, join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country, without their free and voluntary consent, respectively.

ARTICLE VI.

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. And, reciprocally, Chinese subjects visiting or residing in the United States, shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence, as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.
ARTICLE VII.

Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China, and reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside, and reciprocally, Chinese subjects may enjoy the privileges and immunities in the United States.

ARTICLE VIII.

The United States, always disclaiming and discouraging all practices of unnecessary dictation and intervention by one nation in the affairs or domestic administration of another, do hereby freely disclaim and disavow any intention or right to intervene in the domestic administration of China in regard to the construction of railroads, telegraphs or other material internal improvements. On the other hand, His Majesty, the Emperor of China, reserves to himself the right to decide the time and manner and circumstances of
introducing such improvements within his dominions. With this mutual understanding it is agreed by the contracting parties that if at any time hereafter His Imperial Majesty shall determine to construct or cause to be constructed works of the character mentioned within the Empire, and shall make application to the United States or any other Western power for facilities to carry out that policy, the United States will, in that case designate and authorize suitable engineers to be employed by the Chinese Government, and will recommend to other nations an equal compliance with such application, the Chinese Government in that case protecting such engineers in their persons and property, and paying them a reasonable compensation for their service."
2. **Diplomatic Service:**

Sino-American diplomatic relations began later than commercial relations. China wanted only very limited trade and commerce to be carried on with western nations and nothing beyond that. The United States wanted someone to represent its government in handling its citizens in China; to represent its government; to negotiate and establish further relations other than commercial. China at that time considered consuls and ministers as tribute-bearers, so she was willing to accept foreign representatives. Not until she was defeated by the Franco-British war, did China realize the importance of diplomatic missions and sent retired American Minister, Anson Burlingame to head Chinese mission to western nations. This attitude can also be ascribed to the fact that when Cushing was sent to China to negotiate the first treaty between these two countries, he was instructed by Secretary Webster to make known "that you are no tribute-bearer; that your government pays tribute to none and expects tribute from none."\(^5\)

It has already been stated that Colonel Shaw, the supercargo of the first American voyage to China was later made first consul in 1786 in Canton. He and his successors received very small fees from businessmen and no salary from the government and had no authority over

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their nationals.

The formal diplomatic relations were established by Minister Cushing's mission who negotiated Wanghia Treaty in which the positions, duties and authorities of consular bodies had been clearly defined.

It is important to note that eighteen out of the total thirty-four articles signed in the first treaty between China and America have either wholly or partly something to do with the consuls. For the first time the consuls became unusually dominant agencies. They were not only the agents for commercial relations, but also as representatives of American government to China, and at the same time they possessed judicial power of the American government to execute American cases in China. Here we can easily detect the weakness of this tremendous power vested in the consular bodies. The simple argument is this; if the consular bodies are agents for commercial relations which are heavy enough and important enough for them to carry on, it would illogical for them to act at the same time as official representatives which are pure political and diplomatic, and as jurists to handle cases which are pure judicial. We therefore doubt to what extent the duties and authority of consular bodies could be satisfactorily carried out, without being prejudicial of misuse their power.
The diplomatic services at that time created three problems: The opening of more ports for trade therefore for consular residence; the residence of minister in Peking and the audience question.

After the victories of British and French arms in the Arrow War, the Manchu court had been humbled to some degree. The Treaties of Tientsin (1858) and the subsequent conventions of Peking (1860) had opened more ports to foreign trade, and Peking to the residence of foreign ministers. Although the United States had not participated in the hostilities against China, she had demanded and received most-favored-nation treatment in the new privileges won by the British and the French. From 1861 until 1867 the United States was represented in China by its first resident minister at Peking, Anson Burlingame.

One of the most difficult problems confronting the ministers of the treaty powers at Peking soon after the granting of Peking as residence for foreign ministers, was the question of audience before the emperor. The custom of audience, long accepted among Western nations, had been requested at Peking as early as 1861, but the Manchu court had persistently refused on the ground that the emperor was a minor. When however, in 1873, he came of age and assumed full powers, the ministers of the treaty powers, applying the cooperative policy through a joint note,
brought united pressure to bear on the court, and the request for audience was granted. Although the Western nations had thus won a decisive victory, the Manchu court was far from regarding itself as defeated since the court granted the audience in the Pavilion of Purple Light, which had long been used to receive bearers of tribute from vassal states. 7

3. Commercial Agreements

The commercial agreements between China and the United States could be found in the first treaty signed in 1844, 'Treaties of Peace, Amity, and Commerce.' As a matter of fact the treaty of Wanghai of 1844 was a treaty of commerce with tariff rates regulated. In the Tientsin Treaty signed in 1858, commercial relations had been furthered. In the same year a supplementary convention was held between the United States and China on Regulations of Trade:

"...and Whereas in the said treaty it was provided among other things that the tariff of duties to be paid by citizens of the United States on the export and import of goods from and into shall be the same as was agreed upon at the treaties of Wanghia except so far as it may be modified by treaty with other nations, it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favored nation;......"

The Supplementary Convention concluded one article which reset the rates of duties of exports and imports, and ten rules:

Rule 1. Unenumerated Goods other than listed imported and exported 'shall pay an ad valorem duty of five per cent calculated upon their market value.'

Rule 3. Contraband Goods: "Import and export trade is alike prohibited in the following articles: Gunpowder, shot, canon, fowling-pieces, rifles, pistols.

Rule 4. Weights and measures.

Rule 5. Regarding certain commodities heretofore contraband:
(1) Opium will henceforth pay thirty taels per pecul, import duty. The importer will sell it only at the port. It will be carried into the interior by Chinese only, and only as Chinese property.
(2) Copper Cash—The export of cash to any foreign port is prohibited.
(3) The export of rice to any foreign port is prohibited.


Rule 7. Transit dues—import or export shall be one-half the tariff duties.

Rule 8. Trade with the Capital—it is agreed that no citizen of the United States, shall have the privilege of entering the capital city of Peking for the purposes of trade.


Rule 10. Collection of duties under one system at all ports.

In the succeeding years, as the trade between the
two nations increased, China and the United States had concluded another five treaties concerning commerce between the two countries. In November, 1880, a treaty on Commercial Intercourse and Judicial Procedure was signed. The main four articles are: 1. Commercial relations, 2. Importation of opium forbidden, 3. Equality of duties, and 4. Trials of action in China. In October, 1903, another treaty of Commercial Relations was signed in Shanghai. In May, 1916, a Parcel Post Convention was concluded 'For the purpose of making better postal arrangements between the United States and China.....' In October, 1920, a Treaty 'Confirming the application of a five per cent Ad Valorem Rate of Duty to Importations of Goods into China by citizens of the United States' was signed, and finally in July, 1928 a Treaty Regulating Tariff Relations was signed. It is important due to Article 1. All provisions which appear in treaties hitherto concluded and in force between the United States and China relating to rates of duty on imports and exports of merchandise, drawbacks, transit dues and tonnage dues in China shall be annulled and become inoperative, and the principle of complete national tariff autonomy shall apply subject, however, to the condition that each of the High Contracting Parties shall enjoy in the territories
of the other with respect to the above specified and any related matters treatment in no way discriminatory as compared with the treatment accorded to any other country.'
CHAPTER III

AMERICANS IN CHINA

The American treaty of 1844 was followed by other treaties with China signed in 1858, 1868, and 1903 which confirmed and clarified the rights and privileges gained in the first treaty. Under these treaties the principal rights granted by China to the United States and its citizens and asserted by the American Government in its relations with China are: 1. the right of extraterritoriality, 2. the right to protect citizens and their property by means of garrisons, 3. the right of missionary work, and 4. the right of commerce, trade and navigation. The United States has also asserted rights in relation to the status and administration of certain special agencies such as the Chinese maritime custom service, by virtue of being a party to the establishment of these agencies. Only one important right has been given up by the United States; that is the right to a fixed or treaty tariff, which existed from 1884 until 1928. In the latter year the United States alone with principal treaty power restored to China the right of tariff autonomy.

The rights granted to the treaty powers and their citizens constitute a regime of special privileges and a serious limitation on the sovereignty of China. In
the last twenty years the movement of abolition of extraterritoriality and unequal treaties by the Chinese has caused considerable antagonistic ideas, consideration and sympathy. Secretary Hull announced late last summer (1941) that the government of the United States was ready to give up all its special privileges and rights in China obtained from previous treaties after the war.

For almost a century after 1844 the United States Government had attempted to maintain its rights in China, to promote its interests, and protect its citizens and their property with varying degrees of success. From time to time its rights were threatened by Chinese civil conflicts and the encroachments of foreign powers in China.

Until 1937, however, circumstances and diplomacy had combined to enable the United States government to maintain almost all of its rights intact. The Chinese-Japanese hostilities that began in 1937 and the policy and action of the Japanese government during these hostilities for the first time have threatened the complete extinction of American rights and the elimination of the United States interests in China.

Extraterritoriality

The clause of extraterritoriality was found in the
first Treaty of 1844, articles XXIV and XXV.  

Article XXIV. "And if controversies arise between citizens of the United States and the subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equality by the public officers of the two nations acting in conjunction."

Article XXV "All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction, and regulated by the authorities of their own government; and all controversies occurring in China between citizens of the United States and subjects of any other governments shall be regulated by treaties existing between the United States and such governments respectively without interference on the part of China."

In a word, extraterritoriality provides for American citizens in China immunity of their persons from arrest, detention, imprisonment, taxation, property from search and seizure except by means provided under the laws of the United States. The enforcement of such regulations has to be undertaken in American Consular Court or in the United States Court For China.

The protection of citizens and property

The treaties of 1844 and 1858 provided that the United States citizens should 'receive and enjoy for themselves' and everything pertaining to them the protection of the 'local authorities of government who shall defend them from all injury and insult of every sort.' But the local authorities of the Chinese government sometime failed to carry out proper protection as desired by the Government of the United States. The government of the United States thus began using the United States armed forces for this service of protection.

In the treaty of 1858 the United States asserted the right to station naval vessels in Chinese waters for the purpose of protection.

Article IX of the treaty regulates:

"Whenever national vessels of the United States of America in cruising along the coast and among the ports opened for trade, for the protection of the commerce of their country, or for the advancement of science..... shall enjoy all suitable facilities on the part of the Chinese government in procuring provisions and other supplies and making necessary repairs....."

In 1901 Asiatic Fleet was formed under a single command, and based on the Philippines with summer cruise to North China, establishing its headquarter at Chefoo,
Shantung. Small vessels were used on Chinese rivers and since 1900 shallow draft gunboats were constructed for the latter service.

After 1901 a permanent garrison of the United States Army was established in Tientsin to furnish troops for the protection of the line of communication from Peking to the sea, in conjunction with the forces of other treaty powers as provided in the Boxer Protocols. A force of the United States Marines has been permanently stationed in Peking as a legation guard.

During the Chinese Revolution of 1911 and followed by civil conflicts in 1925 and Japanese invasion of Manchuria in 1931, the concentration of the United States interests in Shanghai led to the stationing of a permanent garrison of marines in the international settlement.

In July 1937 the United States forces in China were distributed as follows:

1. A contingent of 528 United States Marines was stationed in Peking as Legation Guard.
2. The 15th United States Infantry, numbering 814 officers and men was garrisoned in Tientsin.
3. A force of 1,055 United States Marines was stationed in Shanghai Settlement for duty as part of the general foreign defense force and
and for protection. Later on the number was increased to 2,555.

4. The Asiatic fleet consisted of forty-four vessels, thirteen of which were stationed in Chinese waters. This latter number included nine gunboats of the Yangtze and South China patrol. A personnel of 129 officers and 1,671 men was assigned in these thirteen ships.

When tension in the Pacific grew from bad to worse in the winter of 1941, the United States government began to withdraw the United States armed forces from China in order to avoid unnecessary loss. Until the eve of December 7, 1941, the great bulk of the United States garrisons and fleet in China had been withdrawn. Only a few marines were left to guard Peking Legation.

Missionary Work

Perhaps the most helpful and powerful contribution to China in her relations with Western nations, particularly America, is the missionary work. Missionaries are the principal emissaries of science and education as well as religion, consequently the current of westernization gained momentum among the Chinese. There was no exact date just when the missionaries came to China. A Catholic missionary came as early as thirteenth century from Europe. The first Protestant missionary reached China
in 1807. During pre-treaty days missionaries enjoyed freedom in preaching although occasional conflicts had occurred. In the treaty of 1844 little was mentioned concerning rights of missionaries except 'to construct hospitals and churches' in Article XVII.

In the Treaty of 1858, two scholarly members of the missionary body acted as secretaries to the plenpotentiary, and because of their command of the language, they carried on most of the actual discussion. It was one of these secretaries who drafted the rather vague article which conferred toleration upon Christians in China.9 Dr. S. Wells Williams was the prominent American missionary acting for the cause. Article twenty-nine said:

"The principles of the Christian religion as professed by the Protestant and Roman Catholic churches, are recognized as teaching men to do good, and to do others as they would have others do to them. Hereafter, those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who according to these tenets peaceably teach and practice the principles of Christianity, shall in no case be interfered with or molested."

Under such treaty provisions the practice of Christianity

became a treaty right and any interference with foreign or Chinese Christians became a treaty violation. The treaty powers thus stood between the Chinese Government and its subjects. It also placed the western faith upon a political basis which was bound to react unfavorably upon it. Christianity had even less sound faith as it depended upon protection of foreign government rather than its message. To this we recall the later unfortunate event occurring in 1899, the Boxers rebellion, in which many foreign missionaries and hundreds of Chinese Christians were persecuted.

For nearly a century Americans have been interested in the promotion of many kinds of religious, educational, and philanthropic enterprises throughout China. Unlike American business in China that has been concentrated in the large coastal ports, these non-commercial enterprises are scattered throughout the country, even in the most isolated regions. Essentially these enterprises represent a Christian activity of Americans in China. All of the educational institutions are primarily church-supported, and philanthropic activities, such as famine relief, received much assistance from churches and religious groups in America.

**Religious Work**

The chief commitment of Americans in China is in
the Protestant missions. There are today hundreds of different sets of mission bodies of which four are most widely known due to their field of work and services.

In 1822 and 1823 the American Bible Society began helping in the distribution of the Scriptures among the Chinese. The American Board (Congregational Church) was, however, the first organization in the United States to send a missionary to the Chinese. In 1829 there sailed from America two men, David Abeel, representing the American Seaman's Friend Society, to be chaplain to many American sailors in Chinese waters, and Elijah C. Bridgman, under the American Board, for the work among the Chinese. The year 1834 saw the arrival of the first medical missionary to the Chinese, Dr. Peter Parker, also an agent of the American Board. Later he found with some others missionaries the first medical college in China; he was made the vice-president of the college.

In 1836 there arrived at Macao, J. Lewis Shuck and his wife, the first Baptist representatives in China proper. The third American organization, and the first of the Anglican communion to send missionaries to the Chinese, was the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States. Its


11. Ibid.
earliest two representatives, Henry Lockwood and Francis R. Hanson, arrived in 1835.

One other American denomination, the Presbyterian, sent missionaries in the pre-treaty days. It had cooperated with the American Board, but in 1837 formed its own board of foreign missions. In 1838 its first representatives, two men and their wives, arrived in Singapore. Walter Lowsie, the great early secretary of the Board, who resigned from the United States Senate to devote his time to foreign mission, gave two sons to China.12

In 1835 or 1836, at Wesleyan University in Connecticut, some American Methodists urged that a mission to the Chinese be begun and preliminary steps were taken to obtain funds. It was not until 1847, that the first missionaries were sent. J. D. Collins and M. C. White and their wives went to Foochow.13 It was not until 1857 that the first convert was baptized and it was nearly as long before the first church building was erected. By the close of the second decade of the mission, however, a church membership of four hundred and fifty-four had been gathered. No other provinces were entered by the Methodists of the Northern States until well along in the eighteen sixties.

13. Ibid.
The Methodists of the Southern States separated from those of the North in 1844. In that year they began planning for China and in 1846 at their first general conference a mission to the Middle Kingdom was unanimously endorsed. The first missionaries, Charles Taylor and Benjamin Jenkins, arrived in Shanghai in 1848.14

Missionaries work had been greatly increased as the years passed by. After the Boxers Rebellion, more provisions for the protection of missionaries were emphasized. Of 12,000 Americans residing in China, more than half are missionaries or their families. The actual number of Protestant (1925) was 8,156, representing more than three hundred societies. Of these three-fourths are Americans. It is estimated about $180,000,000 is invested in capital investments. To this sum should be added the annual contributions of about $10,000,000. American support of the large Catholic enterprises is harder to estimate in China, because such activities are conducted on an international basis. Prior to July, 1937 the number of Americans employed in religious work was between 5,500 and 6,000 scattered throughout 1,500 cities and towns.

14. Ibid.
Their work in religious fields is very rich. They translate Scriptures into Chinese, build churches, conduct religious services, distribute sacred literatures, and train Christian leaders.

**Cultural Work**

Perhaps the most important contribution of missionaries is the establishment of educational institutions through which the diffusion of Eastern and Western culture takes place. The best engineers, doctors, and scientists come from mission universities. The thirteen Protestant colleges, 225 Protestant middle schools, six Protestant medical schools and three Catholic colleges are some of the chief sources of government leadership. These thirteen Protestant colleges are among the oldest ones in China and offer the best leadership for service in all fields of life. In all China there are only 113 colleges having a total student population of approximately 40,000 of which 13 are Protestant institutions, with a student body of 5,952 or over 14 per cent of the total college student population. These universities are scattered throughout the country.

**Christian Colleges in China**

**Institutions Classified on Basis of Enrollment**

**Academic Year 1938-1939**

Yenching (in Peking)  
931

St. John's (in Shanghai)  
872
<table>
<thead>
<tr>
<th>Institution</th>
<th>Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soochow (in Soochow)</td>
<td>851</td>
</tr>
<tr>
<td>Shanghai (in Shanghai)</td>
<td>625</td>
</tr>
<tr>
<td>West China (in Chengtu)</td>
<td>575</td>
</tr>
<tr>
<td>Nanking (in Nanking)</td>
<td>506</td>
</tr>
<tr>
<td>Hangchow (in Hangchow)</td>
<td>475</td>
</tr>
<tr>
<td>Lingnan (in Canton)</td>
<td>458</td>
</tr>
<tr>
<td>Fukien (in Foochow)</td>
<td>163</td>
</tr>
<tr>
<td>Hau Chung (in Hankow)</td>
<td>162</td>
</tr>
<tr>
<td>Cheeloo (in Chinan)</td>
<td>150</td>
</tr>
<tr>
<td>Ginling (in Nanking)</td>
<td>115</td>
</tr>
<tr>
<td>Hwa Nan (in Foochow)</td>
<td>72</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5,952</strong></td>
</tr>
</tbody>
</table>

Perhaps it would be essential to note that all these institutions are co-educational, except Ginling and Hwa Nan College that are just for women. Missionaries are the first group to stand for the education and equality of women in China. The unprecedented example demonstrated has won lasting appreciation and provided leadership for the reconstruction of a new China.

**Philanthropic Work**

The philanthropic work of missionaries includes medical care for the sick, relief for the unfortunate, and institutions for dependent children and the cripples. The 271 Protestant hospitals and the 267 Catholic hospitals and asylums have in the past generation worked themselves into the consciousness of the Chinese of every.
class. The humblest rickshaw coolie knows where to go to have his mucusdraining eyes treated, or who will help when his wife has childbed fever.\textsuperscript{15}

There is no accurate statistics of the extent of relief work done in China, because the work is not definite, but according to the needs of the time. Relief work covers famine, flood, and other calamities. When war broke out in China, relief work was extended to the refugees and the wounded soldiers. In 1940 the National Christian Council alone treated almost 300,000 wounded Chinese soldiers.

Missionaries have set up the pioneering work in China by taking care of dependent children in institutions. They educated, taught, healed, and trained them to work so as to make their living as useful members in society. There are numerous Christian Industrial institutes where dependent boys and girls work for their living, also numerous orphanages for young boys and girls. Finally there are schools for the blind, and schools for the mute. The work itself is an epic with unspeakable contributions to the betterment of social justice and social conditions, through which a deep root of confidence and appreciation has been planted in the heart of Chinese people.

\textsuperscript{15} \textit{Time}, April 28, 1941, pp. 56
Commerce and Trade

Americans' original and primary interest in China was commercial. From those treaties which were concluded between China and the United States we find they pertained to commerce and trade. Commerce and trade between these two countries have been continuously increasing and enriching; from original five ports to eighty-eight opened for trade. Besides American business men also enjoyed at the same time the privilege of inland shipping and navigation which are not usually accorded by one nation to the ships of foreign nations. The exact amount and volume of American business in China is hard to obtain. According to Chinese Custom Statistics in the year of 1910 the United States had five per cent of China's import trade and eight per cent of its export; in 1925 fifteen per cent of import and eighteen per cent of its export. The increase within fifteen years was almost three times. Speaking about the value the increase is even more than three times. The total United States trade with China from 57,000,000 taels in 1910 increased to 286,000,000 taels in 1925. Of China's carrying trade, the United States tonnage from 725,000 in 1910 increased to 5,900,000 in 1925, or an increase more than seven times.

There are sixty-nine treaty ports and nineteen
voluntary opened marts in which Americans may reside and lease premises for residential or business purposes. According to 1937 statistics there were 12,000 resident Americans in China, and 400 business firms. In the city of Shanghai alone there were 3,500 American residents, and 250 business firms. These business firms did fifty per cent of all American business in China. Shanghai had a Downtown American Club, an Out-of-town Country Club, and American School of 450 children, a Community Church, and a Navy Y. M. C. A.

Under the China Trade Act, the American companies may incorporate for trading in China, exempt from the American home taxes on income earned in China.

By the Revenue Act of 1926, Americans are exempt from income taxes on income earned outside of the United States of America, provided they have resided abroad for a period of at least six months of the year.

Importation and Exportation

a. Leading American Exports to China by value.

(source: United States Department of Commerce, Monthly Reports. The following figures in thousand dollars).16

---

<table>
<thead>
<tr>
<th>Commodity</th>
<th>1936</th>
<th>1937</th>
<th>1938</th>
<th>1939</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aircraft &amp; parts</td>
<td>7,186</td>
<td>3,962</td>
<td>6,392</td>
<td>1,012</td>
</tr>
<tr>
<td>Motor trucks &amp; buses</td>
<td>762</td>
<td>1,327</td>
<td>2,591</td>
<td>3,688</td>
</tr>
<tr>
<td>Tin plates &amp; taggers tin</td>
<td>1,917</td>
<td>2,713</td>
<td>416</td>
<td>1,276</td>
</tr>
<tr>
<td>Aniline dyes</td>
<td>1,539</td>
<td>1,397</td>
<td>492</td>
<td>797</td>
</tr>
<tr>
<td>Tobacco leaf</td>
<td>5,967</td>
<td>6,183</td>
<td>6,221</td>
<td>5,631</td>
</tr>
<tr>
<td>Non Metallic mineral-petroleum products</td>
<td>4,497</td>
<td>5,963</td>
<td>1,535</td>
<td>2,660</td>
</tr>
<tr>
<td>Raw cotton</td>
<td>1,051</td>
<td>584</td>
<td>2,060</td>
<td>14,203</td>
</tr>
<tr>
<td>Wheat flour</td>
<td>-----</td>
<td>-----</td>
<td>677</td>
<td>3,136</td>
</tr>
</tbody>
</table>

b. Leading American exports to China and Hong Kong by volume: (Same source as above)

<table>
<thead>
<tr>
<th>Commodity</th>
<th>1936</th>
<th>1937</th>
<th>1938</th>
<th>1939</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor trucks &amp; buses by number</td>
<td>1,140</td>
<td>4,038</td>
<td>10,161</td>
<td>10,954</td>
</tr>
<tr>
<td>Gasoline in 1000 barrels</td>
<td>1,950</td>
<td>822</td>
<td>103</td>
<td>339</td>
</tr>
<tr>
<td>Kerosene in 1000 barrels</td>
<td>681</td>
<td>1,143</td>
<td>117</td>
<td>322</td>
</tr>
<tr>
<td>Tobacco leaf in 1000 lbs.</td>
<td>30,627</td>
<td>36,687</td>
<td>46,791</td>
<td>39,797</td>
</tr>
<tr>
<td>Wheat flour per barrel</td>
<td>31,571</td>
<td>184,288</td>
<td>453,754</td>
<td>1,744,038</td>
</tr>
<tr>
<td>Raw cotton per 100 bales</td>
<td>16,502</td>
<td>8,621</td>
<td>43,000</td>
<td>279,000</td>
</tr>
<tr>
<td>Ginseng per 100 lbs.</td>
<td>224</td>
<td>127</td>
<td>142</td>
<td>144</td>
</tr>
</tbody>
</table>

c. Leading American Imports from China by value (in thousand dollars, from the same sources as above)\textsuperscript{17}

\textsuperscript{17} Ibid, pp. 178
**Commodity** | **1936** | **1937** | **1938** | **1939**
---|---|---|---|---
Sausage casings | 1,131 | 1,664 | 744 | 631
Eggs, other than in shell | 1,720 | 2,015 | 478 | 324
Goat & kid skins | 3,087 | 4,634 | 541 | 894
Undressed furs: kolinski | 879 | 784 | 534 | 708
Lamb & kid | 3,723 | 4,576 | 775 | 1,439
Weasel | 1,395 | 2,419 | 842 | 1,558
Bristles | 5,391 | 6,734 | 4,564 | 6,116
Peanut oil | 1,661 | 1,289 | 282 | 124
Tea | 555 | 828 | 770 | 532
Tungoil | 16,871 | 18,096 | 11,133 | 10,646
Carpet wool | 4,828 | 7,713 | 550 | 462
Raw silk | 4,087 | 5,078 | 2,145 | 11,701
Waste silk | 962 | 919 | 335 | 800
Handkerchiefs | 1,910 | 3,271 | 3,439 | 2,109
Hats | 790 | 1,144 | 1,054 | 835
Antimony | 290 | 210 | 134 | 144
Tungstern | 1,247 | 1,931 | 482 | 717
Tin | 998 | 5,128 | 1,808 | 3,016

Tin, antimony, tungsten and tungoil can be called strategic raw materials which are necessary to American industrial production. Although substitutes can be found for some of them, any decrease in imports means just that much less available for industry in the United States—a industry that now must be expanded to meet greatly increased national defense needs.
d. Leading American Import from China by volume (same source as the above)\textsuperscript{18}

<table>
<thead>
<tr>
<th>Commodity</th>
<th>1936</th>
<th>1937</th>
<th>1938</th>
<th>1939</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tungsten in 1,000 pounds</td>
<td>3,075</td>
<td>3,776</td>
<td>1,583</td>
<td>1,740</td>
</tr>
<tr>
<td>Tungoil in 1,000 bbls.</td>
<td>133,808</td>
<td>174,485</td>
<td>107,455</td>
<td>78,710</td>
</tr>
<tr>
<td>Antimony in 1,000 pounds</td>
<td>1,999</td>
<td>756</td>
<td>1,583</td>
<td>1,740</td>
</tr>
<tr>
<td>Peanut oil in 1,000 lbs.</td>
<td>33,008</td>
<td>22,669</td>
<td>7,474</td>
<td>2,990</td>
</tr>
<tr>
<td>Sausage Casings in 1,000 lbs.</td>
<td>1,349</td>
<td>1,529</td>
<td>703</td>
<td>704</td>
</tr>
<tr>
<td>Undressed furs by 1,000</td>
<td>5,240</td>
<td>4,652</td>
<td>2,262</td>
<td>3,971</td>
</tr>
<tr>
<td>Bristles in 1,000 lbs.</td>
<td>4,693</td>
<td>3,734</td>
<td>3,860</td>
<td>4,632</td>
</tr>
<tr>
<td>Eggs in 1,000 lbs.</td>
<td>7,255</td>
<td>8,356</td>
<td>1,744</td>
<td>1,265</td>
</tr>
<tr>
<td>Carpet wool in 1,000 lbs.</td>
<td>27,347</td>
<td>28,737</td>
<td>2,435</td>
<td>2,575</td>
</tr>
<tr>
<td>Raw silk in 1,000 lbs.</td>
<td>2,467</td>
<td>2,747</td>
<td>2,435</td>
<td>2,575</td>
</tr>
<tr>
<td>Tin in 1,000 lbs.</td>
<td>10,267</td>
<td>14,637</td>
<td>7,366</td>
<td>9,678</td>
</tr>
</tbody>
</table>

\textsuperscript{18} Ibid, pp. 179
**American business investments**

The economic interest of Americans in China includes not only American trade but also the business investments of Americans in China and the holdings of Chinese government securities as well as loans to China. Estimates of American investments in business enterprises in China are difficult to obtain.

Professor C. F. Remer was able to secure satisfactory data from 213 out of over 400 American firms. He estimated that the total direct business investments by Americans in China as distinct from investments in non-commercial undertaking, was $155,122,778 in 1930. To this amount should be added American holdings of securities and obligations of Chinese government to the amount of $41,771,346 or a total for these two categories of $196,824,124. This is approximately 1.3 per cent of the total investments of the United States.\(^{17}\)

These 213 American firms could be grouped according to the type of business engaged in as follows:\(^{18}\)

<table>
<thead>
<tr>
<th>Nature of business</th>
<th>Investments</th>
<th>Per cent of the total U. S. investment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation</td>
<td>$10,799,918</td>
<td>17.2%</td>
</tr>
<tr>
<td>Public utility</td>
<td>35,200,000</td>
<td>23.4%</td>
</tr>
<tr>
<td>Mining</td>
<td>104,500</td>
<td>0.1%</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>20,509,095</td>
<td>13.7%</td>
</tr>
<tr>
<td>Banking &amp; Finance</td>
<td>25,320,280</td>
<td>16.8%</td>
</tr>
</tbody>
</table>

\(^{17}\) W. C. Johnstone, *The United States and Japan's New Order*, pp. 186

\(^{18}\) Ibid, pp. 191
<table>
<thead>
<tr>
<th>Nature of Business</th>
<th>Investments</th>
<th>Per cent of total United States Invest.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real estate</td>
<td>$8,478,550</td>
<td>5.6%</td>
</tr>
<tr>
<td>Import &amp; export</td>
<td>47,748,240</td>
<td>31.8%</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>2,067,395</td>
<td>1.4%</td>
</tr>
</tbody>
</table>

The amount of American holdings of securities and obligations of the Chinese government includes principally the following loans and credits:

1. The Hukuang Railway loan (originally by a Consortium)
2. The 'Chicago Loan' of 1919
3. The Republic of China six per cent two-year Secured Gold Loan Treasury Notes of 1919
4. Cotton & Wheat Loan, 1931, $50,000,000

Since the war broke out in China in 1937, the government of the United States of America has granted China on different occasions loans either denoted for the purpose of stabilization of economic or purchasing military supplies. These loans have much to do with America's policy discussed in chapter five.

Noted Men

There have been thousands of American citizens in China engaged in all fields of work, within the span of nearly one hundred years. It is hard to state comprehensively all the noted ones, as undoubtedly there are
Here only a few noted Americans are recorded who have most to do with diplomatic and military lines, hence are important to know at the present moment.

1. Caleb Cushing (1800-1879), United States statesman and lawyer was born in Salisbury, Massachusetts, on January 17, 1800. He graduated at Harvard in 1817, was tutor in mathematics there in 1820-21, was admitted to the Massachusetts bar in 1821. After serving as a Democratic—Republican in the state house of representatives in 1825, in the state senate in 1826, and the house again in 1828, he spent two years in Europe. In the later years he was elected by the Whigs as a representative in congress, from 1835 until 1843. But during this period he was forced out of the Whig party by his support of Tyler's vetoes of certain Whig measures. In 1843 President Tyler nominated him for secretary of treasury, but the senate refused to confirm him for this office. He was appointed later in the same year United States commissioner to China where he negotiated the first treaty between China and the United States, 1844; in it was outlined the principle of extra-territoriality. During the Mexican War he raised the funds necessary to equip a regiment, served with it first as colonel and afterwards as brigadier-general of volunteer. In 1847 and again in 1848 the Democrats
nominated him for governor of Massachusetts, but each time he failed to be elected. After serving in the state legislature in 1851, he became an associated justice of Massachusetts supreme court, 1852, and during the administration of President Pierce, was attorney general. In 1860 he presided over the Democratic National Convention. During the Civil War he supported loyally the Union and served the administration in various minor positions. At the Geneva Conference for the settlement of 'Alabama' claims in 1871-72 he was one of the counsels for the United States. In 1873 President Grant nominated him for chief justice of the United States, but vigorous opposition in the senate caused his name to be withdrawn. From 1874-1877 Cushing was the United States Minister to Spain. He died at Newburyport, Massachusetts, on January 2, 1879.19

2. William Bradford Reed (1806-76) was a grandson of Joseph Reed (1741-85) who was once aid-de-camp and military secretary to General Washington. He graduated at the Pennsylvania University in 1822, was professor of American history in the University of Pennsylvania in 1850-56, United States Minister to China, proclaimed in 1860.20 He was first American minister in China to hold the rank of Envoy Extraordinary.

20. Ibid, Vol. 19
and Minister Plenipotentiary, whose instructions called for peaceful cooperation with allies but forbade violence. "The United States is not at war with China" Cass reminded him. He was ashamed of "extraterritoriality." He recognized China's equal rights to control domestic commerce, as the British forcefully tried to open up inland rivers for trade. And through the revision of Tientsin Treaty, opium for the first time in history obtained legal recognition. These three distinctive events of Reed's mission in China became well known.

3. John E. Ward, a Georgia Democrat, was sent to China after Reed's mission. He expected to ratify the treaty at Peking. On his way to Peking he became involved to some extent in the French-British attack on the Taku forts. When the tide turned against the allies, the American Commodore Tatnall, asserting that blood was thicker than water, lent the British forces the aid of his American sailors. The act constituted a decided breach of neutrality, in flagrant opposition to America's wisest policy in China.

4. Anson Burlingame (1820-1870) was United States legislator and diplomat, born in New Berlin, New York, on November 14, 1820. In 1823 his parents took him to Ohio and about ten years afterward to Michigan. In 1838-41 he studied in Michigan, and in 1846 graduated at
the Harvard law school. He practiced law in Boston and won a wide reputation by his speeches for the Free Soil Party in 1848. He was a member of Massachusetts senate in 1853-54, and of the National House of Representatives 1855-61, being elected for the first term as a 'Know Nothing' and afterward as a member of New Republican Party. In 1861, President Lincoln appointed him as minister to China. This office he held until November, 1867, when he resigned and was immediately appointed Minister Plenpotentiary to head a Chinese diplomatic mission to the western nations. The embassy arrived in the United States in March, 1868, received enthusiastic welcome and interest, and concluded at Washington (July 28, 1868) a series of articles, supplementary to the Reed Treaty of 1858, and later known as the 'Burlingame Treaty.' The Burlingame Treaty was very important, because it has shown the spirit of equality and democracy. It recognizes China's right of eminent domain over all her territory, gives China the right to appoint at ports in the United States consuls, 'who shall enjoy the same privileges and immunities as those enjoyed by consuls of Great Britain, and Russia; provided that 'citizens of the United States in China of every religious persuasion, and Chinese subjects in America shall enjoy entire liberty of conscience.....'
Burlingame's speeches and mission did much to awaken a more intelligent appreciation of China's attitude toward the outside world. He died suddenly at St. Petersburg on February 23, 1860.\textsuperscript{21}

6. Lieutenant General Stilwell was born in Palatka, Florida, March 19, 1883. He attended the United States Military Academy at West Point, and was graduated in 1904. In 1910 he was an instructor at the United States Military Academy at West Point, again in 1913 to 1917. In December, 1917, he left for France because of the war, and he was awarded the Distinguished Service Medal for his leadership in helping to win the war.

At forty-six Stilwell went to China in 1920, as a military language student in Peking; he studied and then served there until 1923. He masters Chinese language as well as a few dialects. After that he was an executive officer of the United States forces in China stationed at Tientsin from 1926 to 1929. From 1935 to 1939 he was the military attaché to Generalissimo Chiang Kai-shek.

In 1941 he was at Fort Ord, California, a Major General and fifty-eight. Shortly after the war broke

\textsuperscript{21} Ibid, Vol. 4, pp. 423.
out between the United States and Japan, he was sent to China.

On March 10 this year, the appointment of Stilwell as chief of staff under Chiang Kai-shek in China War Theatre was announced, and nine days later the announcement followed that Chiang Kai-shek had placed Stilwell in charge of the Chinese 5th and 6th Armies. This command was given with the approval of the United States government, and it was one that pleased observers. They felt that it promised "enlarged prestige for the American forces in the Far East in proportion to the responsibility laid upon this country to supply men and material for current defense and future counter offensive against Japan.

On March 20 he disclosed that in addition to this command he had been placed in charge all American forces in India, Burma, and China. 22

6. Brigadier General Claire L. Chennault was born in Texas, 1891, the son of a cotton planter. Chennault was brought up in Louisiana and attended Louisiana State University. He was a rural school master for seven years, and was the father of three boys when he was enlisted


in 1917. A second lieutenant in aviation when the Armistice came, he stayed on to become one of the Army's best pilots.

He studied air tactics and wrote books about aviation, and retired in 1937 because of deafness incurred in flying open planes, Chennault settled down with his wife and their eight youngsters in Louisiana.

Two of his lieutenants also retired and went to China to help train combat pilots. When they heard that China wanted an American Air Adviser, they convinced Chiang Kai-shek that Chennault was the man for the job.

Shortly after Chennault's arrival in July, 1937, China was attacked by Japan and her air force of less than one hundred combat planes was soon wiped out. But Chennault would not give up. He studied the weaknesses of Japanese aircrafts, pilots and tactics. He pleaded for American planes. Finally in December 1940, one hundred obsolescent P-40 pursuit ships, originally destined for Sweden, were sent to China.

Chennault taught his men all he had learned about the Japanese. Then he drilled them in his method of air fighting. To-day he leads the famous "Flying Tiger Sharks", a band of young men making their initial appearance as the American Volunteer Group of the Chinese Air Force. Their effective fighting force—until recently—was never more than forty-four pursuit ships. Out numbered twenty
to one, with ammunition for only one minute's firing each
time they took to the air, with no reserves or support,
in the ninety days following December 21, 1941, the
Flying Tigers led by Chennault, are credited with destroy-
ing 457 Japanese planes—thirty for every AVG plane
knocked out; ninety-two Japanese airmen killed for every
AVG pilot lost—a record unequaled in any war.

CHAPTER IV

CHINESE IN AMERICA

History of Chinese Immigration

The history of Chinese immigration into America began later than that of American immigration to China. While the Americans in China enjoy the 'most favored nation clause', the development of Chinese immigration became one unhappy page in the history of the relations between these two countries. Another sharp difference is the fact that the Chinese originally came to the United States through the efforts of American firms and business men. They were brought over to the United States while the Americans came to China on their own initiative although both groups were motivated by economic interests.

Thus serving the relations between the peoples of America and those of China, attention must be called to the migration of Chinese into America, to the treatment they received, with the comparison of the treatment the Americans received in China, and the probable effects of this treatment upon the attitude of their fellow country men toward America.

Chinese immigration to the United States began as soon as the news of the discovery of gold in California reached Hong Kong, in the Spring of 1848. A few pioneers
started, several hundreds followed in 1849, and several thousand in 1850. Prior to the periods mentioned there were unusually few Chinese who had been admitted to America. According to statistics, one Chinaman was admitted in 1820, and 13,100 Chinese arrived in California in 1864 on account of the gold discovery.

These Chinese were mainly of the coolie or labor class. They were contracted with American proprietors of gold mines or railroad companies at that time. Thus coolie trade became a profitable business and at the same time a serious problem of human concern for the Chinese because they were taken away from their families either by money or by force. Many times the Chinese agents with the cooperation of American coolie trade firms raided small villages and took away able bodied youth and shipped over to America. "Aside from the Chinese who lost their lives when ships were wrecked or during struggles for freedom, it is estimated that 7,842 died on the passage to Cuba between 1847 and 1859. In comparison with this loss of life, to a large extent due to inhumanity and selfishness, the grievances of the foreigners in China seem pitifully small."25

The ill treatment of the coolies and their high

death rate made the entire business so inhuman and offensive that Congress prohibited the trade under the American flag in 1862.

By virtue of the Burlingame Treaty of 1868, the largest number of Chinese immigrants of all classes influxed into America. Under Article V, the United States of America and China 'cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantages of the free migration and immigration of their citizens and subjects, respectively, from the one country to the other, for the purposes of curiosity, of trade, or as permanent residents.....' In the following ten years, 1871-80, some one hundred and twenty-three thousand Chinese, the largest group of all, came to America, and opposition to the Chinese occurred almost immediately after the arrival of this group.

According to Mr. Maurice R. Davie, the total record of admission of Chinese to the United States from 1820 to 1930 was as follows:26

<table>
<thead>
<tr>
<th>Period</th>
<th>Number of Admissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1820 - 1830</td>
<td>3</td>
</tr>
<tr>
<td>1830 - 1840</td>
<td>8</td>
</tr>
<tr>
<td>1840 - 1850</td>
<td>35</td>
</tr>
<tr>
<td>1851 - 1860</td>
<td>41,397</td>
</tr>
<tr>
<td>1861 - 1870</td>
<td>64,301</td>
</tr>
</tbody>
</table>

1871 - 1880 ----- 123,201
1881 - 1890 ----- 61,711
1891 - 1900 ----- 14,799
1901 - 1910 ----- 20,605
1911 - 1920 ----- 21,278
1921 - 1930 ----- 29,907
1930 - 1940 ----- 

In the last one hundred and ten years, from 1820 to 1930, a total of 377,245 Chinese were admitted to the United States.
Labor problems and the effects

The development of labor problems and the effects thereof became the most unhappy and unfortunate page in the history of Sino-American relations. The problems are still unsolved although they are regulated by legislation, and the effects caused international and domestic concern in the United States. From the labor problems there developed the immigration and exclusion acts which affect every Chinese other than the laborers, and anti-Chinese agitation and persecution in America lasting about forty years. In China the reaction climaxed in the movements of anti-American goods, and boycotts.

The feeling against Chinese occurred almost immediately after the arrival of the first large group. Opposition was based on several grounds. The first reason would be the economic one which framed the fear that the Chinese laborers might compete with the white laborers; their living standards were low, labor was efficient and cheap thus easier to take away the jobs from the white. Secondly there was the social ground of opposition. The Chinese laborers were considered hard if not impossible to be assimilated. Their peculiarities of dress, and of habits, inoffensive manners, and general defenselessness soon brought upon them abuse and
persecution. There was the feeling of ethnocentrism among the white which entered as one of the elements which led to the opposition and exclusion of the Chinese. A feeling of superiority to the 'heathen Chinese' cumulated in mobbing, robbing, and murdering. A Chinese was seldom avenged. In gold mining the Chinese laborers were more successful, more painstaking, more industrious. Envy and ill-will soon led to an attack on the Chinese as competitors of white labor. Subsequently, Chinese were engaged in railroad, farm, domestic servants and certain manufactures. Their labor denounced as superseding that of the white man, thus Chinese immigration became a labor question. And finally, the most important of all was the political reason. The politicians of the Western coasts joined the forces of labor in drafting legislation against Chinese in order to win the support of labor in political campaign. The Chinese had no voting rights. Ethnocentrism plus labor competition plus politics equals the history of the treatment of the Chinese in America, and that treatment was exceedingly rough both officially and unofficially. 27

Popular feeling against the Chinese soon expressed itself in state legislation and city ordinances. There were numerous acts passed regulating Chinese. All were

declared unconstitutional by the United States Supreme Court. Here are three famous examples: An act of California legislature in 1855 imposed a tax of $55 on every Chinese immigrant arriving in the State. In 1858 another act was passed to prohibit all Chinese from entering the state. In 1862 another act provided that every Mongolian over 18 years of age except those engaged in the sugar, rice, coffee, and tea industries, should pay a monthly head tax of $2.50.

Another expression of opposition against Chinese labor culminated in the agitation of famous Dennis Kearney and the sand-lot meetings in San Francisco; in several places, then and later, hundreds of Chinese fell victims to the rage of mobs, and were driven away from their homes; America in turn became obligated to China for indemnities for loss of life and property of peaceful Chinese nationals.

The feeling against the Chinese declined during the Civil War. Immediately after the war the Chinese were in favor because there was a demand for cheap and reliable labor. They were used in agriculture and railroad construction. In 1869, about nine-tenths of the laborers employed in constructing the Central Pacific Railroad were Chinese. After the completion of the Transcontinental Line, especially during and after the Panic of 1873,
a reaction set in against them. Conditions were hard in California, and discontented and turbulent element 'took it out' on the Chinese. In those days, according to eye witnesses who have written about it, it was a common sight in San Francisco and other cities to see Chinese pelted with stones or mud, beaten or kicked, having vegetables or laundry stolen from their baskets. In July, 1877, the storm of violence broke over the whole city of San Francisco. Many Chinese were obliged to seek refuge in the mountains. The crowning outrage was perpetrated in Truckee in November, 1878, when the entire Chinese population of one thousand was ruthlessly driven out of town.

As a result of the violent anti-Chinese agitation, Congress was induced to investigate the matter in 1876-1877. The California legislature sent a memorial to Congress protesting against the Chinese and setting forth many charges. The memorial was a gross misinterpretation of the facts, but it expressed the feeling of many of the natives of the Pacific coast at that time. In 1876 a joint committee of both Houses of Congress visited the Pacific Coast to study the effects.

The completion of the Northern Pacific Railway in

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1883, and of the Canadian Pacific in 1885 threw thousands of Chinese out of employment. The drama shifted from California to the Pacific Northwest. Race prejudice and lack of employment drove the Chinese to mines and railway camps of the Northwest. During the autumn of 1885 a great orgy of anti-Chinese behavior swept across the Northwest. In September, 1885, in Rock Spring, Wyoming, twenty-eight Chinese were murdered and burned to death by a mob, many wounded, and hundreds were driven from their homes.

The news of this violence spread over the territory of Washington and demonstrations against the Chinese occurred at Squack Valley, Black Diamond, Seattle, and Tacoma. A year later in an uprising at Lag Cabin, Oregon, a number of Chinese were killed.29

On learning about the mob violence in America, the Chinese envoy in Washington was instructed to communicate to Mr. Bayard (presumably Secretary of the State) and negotiate for the protection of Chinese in the United States under the obligations of treaty.

'The Chinese Government, having the interests of its subjects at heart, being unable to bear any longer with the ill manners which they were treated in the foreign country and with a view of averting any possible cause of disturbance and ill feelings between the people

of the United States and China which might jeopardize the friendly relations, did on August third, 1886, write to Mr. Deaby, United States minister at Peking, the following proposed provisions. Here are three important points:

1. Those Chinese laborers who have not been to the United States will be strictly prohibited from going there.

2. Those Chinese laborers who have returned to China from the United States, where they have no wives or family or relations, money, or property, will not be allowed to go back.

3. The Chinese who are now residents in the United States should be entitled to proper protection in conformity with treaty.

From these three points we find the eager and willingness of the Chinese Government to solve the labor problems in the least difficult way.

During the negotiation for protection of Chinese in America, the Chinese Government infer Article III of the Treaty of 1880, which reads as follows:

"If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the
United States will exert all its power to devise measures for their protection, and to secure to them the same rights, privileges, immunities, and exceptions as may be enjoyed by the citizens or subjects of the most favored nations and to which they are entitled by treaty."

In the case of the United States vs Ranon Arjona, March 7, 1887, the Chief Justice, in delivering the opinion of the court, used the following language:

"The national government is in this way made responsible to foreign nations for all violations by the United States of their international obligations, and because of this Congress is expressly authorized to define and punish offences against the law of nations. The law of nations requires every national government to use due diligence to prevent a wrong being done within its own dominions to another nation with which it is at peace, or to the people thereof..... A right secured by the law of nations to nation, or its people, is one the United States as the representatives of this nation are bound to protect....."

Thus law should be enacted by Congress not by the states to carry into execution a power conferred by the constitution on the government of the United States exclusively.30

30. United States Foreign Relations 2626.
Not until 1905 did the reaction in China concerning the Chinese laborers in America become acute. Then started a nation-wide movement of boycott against American goods. The movement might have developed into a serious event between the two nations had not President Theodore Roosevelt brought about a just settlement thus ending the boycott.

At the same year public attention had been shifted toward Japanese immigration when Japan became a menace after defeating Russia. As a result of this resentment against the Chinese cooled down. World War I also eased the situation to a certain extent. Unfortunate events once again occurred when the Immigration Act was passed in 1924. The Act was aimed to prevent Japanese immigration but the Chinese have been greatly restricted by it. After the passage of the Act an epidemic of persecutions again broke out throughout the country. Commenting about the situation the Nation on October 14, 1925, had the following words in its editorial:

"Into the Chinatowns of Cleveland, Chicago, Boston, Philadelphia, New York, and other cities the police swooped again and again last month, smashing down doors, arresting thousands of peaceful Chinese waiters, laundry men, merchants, and laborers, jailing them without warrant, surrounding theatres and empty them, firing revolvers at
those who tried to escape and making every visitor show papers to prove his right to existence, leaving broken homes open and unguarded—and when this epidemic of lawlessness was over the police and federal agents announced that they had been acting in the name of the law.

On September fourth of the same year the American Government joined the other benevolent western powers in sending a note to the Chinese Government, one sentence of which read as follows:

"The Government of the United States of America desires to impress upon the Chinese Government the necessity of giving concrete evidence of its ability and willingness to enforce respect for safety of foreign lives and property and to suppress disorders and anti-foreign agitations which embitter feelings."

Since then the anti-Chinese agitation and resentment has gradually died down. This was due to many reasons. On the part of the Chinese three facts should be stated as they have helped to improve the situation. After the passing of the Exclusion Act fewer Chinese have come to America, and Chinese in America began to move to different parts of the country instead of concentrating in big cities, and finally changing occupations of Chinese in America thus to avoid competing with
Exclusion Acts.

The most serious effect of labor agitation of American people against the Chinese is the Exclusion Acts. These acts are still in effect yet America and China are on the best of friendly relations.

When anti-Chinese labor agitation began to spread throughout the country, legislation was asked to prohibit Chinese immigration. In 1876 both Houses had a joint investigation on the case. The Chairman of the Committee, Senator Oliver P. Morton of Indiana, refused to believe that the Chinese could not be assimilated. He refused to deprive the Chinese of their natural rights by means of passing exclusion acts. Unfortunately he died before Congress acted.

In 1878 President Hayes vetoed a bill which would have meant the practical exclusion of Chinese and thus have been a treaty violation. Instead the president appointed a commission of three—J. B. Angell, President of the University of Michigan, W. A. Trescot, former Assistant Secretary of State, J. T. Swift, a citizen of California, and sent them to China to negotiate a treaty to replace the treaty of 1868. China was anxious to see a prompt settlement of labor problems which might develop into more serious events. Thus a treaty of immigration was immediately concluded at Peking on
November 17, 1880. This gave the United States the right to regulate, limit, or suspend Chinese immigration, but not to prohibit it, and made it a duty to protect the Chinese in America. The treaty contained the following provisions:

Article 1. China agrees that the Government of the United States may regulate, limit, or suspend such coming (laborers) but may not absolutely prohibit it.

Article 2. Chinese subjects whether proceeding to the United States as teachers, students, merchants, ... and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will, as shall be accorded to the citizens and subjects of the most favored nation.

Article 3. If the Chinese in the United States meet with ill treatment at the hands of any other persons, the government of the United States will exert all its power to devise measures for their protection.

In 1882 President Arthur vetoed another bill for the suspension of Chinese immigration for twenty years which might mean a serious violation of treaty with China, but accepted an amended act fixing a ten-year term. In that year the exclusion of Chinese laborers became a national policy. By a separated act the naturalization of Chinese was forbidden, but as early as 1849 they had been denied the rights of citizens in
California. The first Exclusion Act was passed on May 6, 1882:

"Whereas, 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 within the territory thereof: Therefore be it enacted in the Senate and House that

1. Immigration of Chinese laborers to the United States be suspended for ten years.

2. Chinese, other than laborers, to be identified by certificate from Chinese Government.

3. Chinese not entitled to residence in the United States to be removed by direction of the President.

4. That hereafter no state court, or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

Meanwhile California was a doubtful state in Presidential elections, and both of the national parties sought to win her favor. The two most drastic anti-Chinese statutes were passed on the eve of presidential elections, one in 1888 and a third one in 1892, and each party was responsible for one of them.

Two years later a new treaty was negotiated with China which gave the United States the right to prohibit absolutely the immigration of laborers for ten years.
Laborers who returned to China may return to the United States if each had family and property to amount of one thousand dollars, and non-laborers would be permitted to come on certificates issued by Chinese Government and the United States consuls in China.

Without further sanction, the exclusion act of 1888, as modified, was renewed in 1902 and applied to the United States insular possessions and in 1904 the act was made perpetual. After the World War of 1918, the question of immigration and naturalization was again discussed. A general immigration act was passed in 1921 which introduced the quota system in restricting immigration from Europe. In 1923 a new bill was under discussion. The chairman of the committee in the House was a representative from the State of Washington and to him the exclusion (originally aimed at the Japanese immigrants) was a vital matter. Such a measure was finally carried in 1924. With the exception of the former privileged classes no 'alien ineligible to citizenship' might enter the United States of America.

As I have said that the Law of 1924 was originally aimed at the Japanese immigrants and other Orientals, it has great effects on the Chinese again. The most important effect was the barring of alien wives of citizens, and excluding them from the country. Another
form of persecution and 'gratuitous affront' was that the act of 1924 did not repeal the Chinese exclusion Act of 1882. Consequently, the Chinese are now subjected to the rules and regulations connected with two systems of exclusion. The Exclusion Act of 1882 had accomplished its purpose of keeping out Chinese laborers. Since the passage of the act, Chinese immigration dropped from 107,488 in 1890 to 61,639 in 1920. In view of this fact there was no practical justification for Chinese being further molested by a new law framed primarily for others.

"Race prejudice, bigotry, ignorance and political ambition have played a prominent part in the agitation and have been instrumental in securing much of the legislation. Mary Robert Coolidge has said, the basis of Chinese exclusion is their virtue, not their vices." 31

Here to cite one case of the reaction of 1924 law:

"I'm sorry about the new immigration law. It breaks up families, will not let the wife of a citizen come in, that is not right. One's wife should be able to join him. The baby is able to come in while the mother is not. If you go to China and China says you can't bring your wife and children with you, you make trouble. America talks about closer relations with China and at the same time passed such strict law. How can you bring closer relationships when you pass a law like that?" 32

32. Race Relations Survey Document 257.
The following cases are the typical ones of hundreds to indicate some of the problems the Chinese face in the United States.

**Chinese Wife Case**

Cheong Ah Moy v. United States

113 U. S. 216

Fact: The plaintiff in error here is a Chinese woman who, arriving at San Francisco from China, was not permitted to land in that city, by reason of the acts of Congress of May 6, 1882, and the amendatory act of 1884, and, being forcibly kept on board the vessel, sued out a writ of habeas corpus to obtain her release. On a hearing in the Circuit Court of the United States, it was ordered that she be returned on board the vessel she came on or some other vessel of the same line, to be carried back to China. The marshal who was directed to execute the order, found that the vessel had sailed, so he placed the woman in jail for safe keeping until another vessel should be at hand to remove her. Her counsel applied to the court for permission to give bail on behalf of the woman and have her released from custody.

Points of Law: Was she permitted to give bail?

Decision: The writ of error is dismissed. The court declines to decide a question arising in a case which no longer exists, in regard to rights which it cannot enforce.
Argument: On the 2nd day of October, three days after the order was made overruling the motion, and ten days before the writ of error herein served by filing it in the clerk's office of the Circuit Court, the marshal had executed the original order by placing her on board a steamer of the Pacific Mail Steamships, which sailed on the 7th day of October. It thus appears that the order of deportation had been fully executed, and the petitioner in the writ of habeas corpus placed without the jurisdiction of the court, and of the United States, six days before the writ of error was filed in the Circuit Court, and several days before it was issued. Thus the question of giving her bail could be of value to her, as the order by which she was remanded has been executed and she is no longer in the custody of the marshal or in prison.

Chinese Laundry Case

Yick Wo v. Hopkins, Sheriff.

118 U. S. 356

Fact: The plaintiff in error, Yick Wo, on August 24, 1885, petitioned the Supreme Court of California for a writ of habeas corpus, alleging that he was illegally deprived of his personal liberty by the defendant as sheriff of the city and county of San Francisco. The sheriff made return to the writ that he held the petitioner in custody by
virtue of a sentence of the Police Judge Court, No. 2 of San Francisco, whereby he was found guilty of a violation of certain ordinances and adjudged to pay a fine of $10, and, in default of payment, be imprisoned in the county jail at the rate of one day for each dollar of fine until said fine should be satisfied.

Points of Law: Should he be granted habeas corpus, under the constitutions of the United States? Does the city ordinances of San Francisco in regulating laundry constitute discriminatory nature?

Decision: The writ was accordingly discharged and the prisoner remanded.

Argument: On February, 1880, there were about 320 laundries in San Francisco of which 240 were owned by the subjects of China. More than one hundred and fifty of the Chinese laundrymen have been arrested upon the charges of carrying on business without having such special consent, while those who are not subjects of China, and who are conducting eighty odd laundries under the similar conditions are left unmolested. It was also admitted that the petitioner and 200 of his countrymen similarly situated petitioned the board of supervisors for permission to continue their business in the various houses which they have been occupying and using for laundry for more than twenty years, and such petitions were denied,
and all the petitions of those who were not Chinese, with one exception of Mrs. Mary Meadgles, were granted. In the issue of ordinances, the court added: "We have not deemed it necessary to discuss the question in the light of supposed infringement of petitioner's rights under the constitution of the United States, for the reason that can be based have in effect been set at rest by cases of Barbier v. Connolly, 113 U. S. 27, (A municipal ordinances prohibiting from washing and ironing in public laundry and wash-houses within defined territorial limits, from ten o'clock at night to six in the morning, is a purely police regulation, within the competency of a municipality possessed of the ordinary power, and, in error to a State Court, this court can't pass upon the question of the conformity of a municipal ordinance with the requirements of the Constitution of the State.), and Soon Hing v. Crowley, 113 U. S. 703, (Municipal restriction imposed upon one class of persons engaged in a particular business, which are not imposed upon others engaged in the same business and under the like condition impair the equal right which all can claim in the enforcement of the law.)

The ordinances for the violation of which he had been found guilty were set out as follows:

"Section one. It shall be unlawful, from and after the passage of this order, for any person or persons to establish maintain, or carry on laundry within the
corporate limits of the city and county of San Francisco without having first obtained the consent of the board of supervisors, except the same be located in a building constructed either of bricks or stone.

"Section two. It shall be unlawful for any person to erect, build, or maintain, or cause to erect, build, or maintain, over or upon the roof of any building now erected or which may hereafter be erected within the limit of the said city and county, and scaffolding, without first obtaining the written permission of the board of supervisors, which permit shall state fully for what purpose said scaffolding is to erected and used, and such scaffolding shall not be used for any other purpose than that designated in such permit.

"Section three. Any person who shall violate any of the provisions of this order shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment.

In the case of In re Quong Woo (13 Federal 229) the court held that a city ordinance which makes it unlawful for any person to establish, maintain or carry on laundry within certain limits without first having obtained the consent of the board of supervisors, which shall only be
granted upon the recommendation of not less than twelve citizens and tax payers in the block in which the laundry is proposed to be established, and which punishes by fine or imprisonment for a violation of its provisions, is invalid, that under their authority to license trades and callings, supervisors cannot delegate their power to others, or make its exercise depend upon the consent of others. The legislative power that vested in them is a public trust, which can only be executed in consonance with the general purposes of the municipality, and in subordination to the general law of the state. That licenses for callings, trades and employments may be required by supervisors where the nature of business requires special knowledge or qualifications, or where they are issued as a means of raising revenue for municipal purposes; but they cannot be required as a means of prohibiting any of the avocations of life which are not injurious to public morals, offensive to the senses, nor dangerous to public health and safety. And that under the treaty with China, a Chinese resident of this country is entitled to all the rights, privileges, and immunities of subjects of the most favored nations with which this country has treaty relations; and where he was a resident here before the passage of the act of congress restricting the immigration of the Chinese, he has a right to remain and follow any of the lawful
ordinary trades and pursuits of life, and his liberty so
to do cannot be restrained by invalid legislation.

**Chinese Exclusion Cases**

Fong Yue Ting v. United States

Wong Quan v. United States

Lee Joe v. United States

149 U. S. 698

**Facts:** These were three writs of habeas corpus, granted by the Circuit Court of the United States for the Southern District of New York, upon petitions of Chinese laborers, arrested and held by the marshal of the district for not having certificates of residence, under section six of the act of May 5, 1892.

The first petitioner came to the United States in 1879 with an intention of remaining here as a permanent resident. He had not, since the passage of the act of 1892, applied to the collector of internal revenue of the district for a certificate for residence; and he was arrested by the marshal claiming authority to do under that section, without any writ or warrant.

The second petition contained similar allegation, and further alleged that the petitioner was taken by the marshal before the District Judge for the Southern District of New York, and without hearing, he was ordered by the Judge be remanded to the custody and deported
forthwith from the United States.

The third one applied to the collector of internal revenue for a certificate of residence; the collector refused to give him a certificate on the ground that the witnesses whom he produced to prove that he was entitled to the certificate were persons of the Chinese race and credible witnesses, and required of him to produce a witness other than a Chinaman which he was unable to do. Since he was unable to obtain at least one credible white witness, as required by the statute, the judge ordered the petitioner to be remanded to the custody of the marshal, and to be deported from the United States.

Points of Law: Each petition alleged that the petitioner was arrested and detained without the due process of law, and that section six of the act of May 5, 1892, was unconstitutional and void.

Decision: Dismissed the writ of habeas corpus.

Argument: Friendly aliens, who have lawfully acquired a domicil in this country, are entitled to avail themselves of the safeguards of the Constitution, especially indicated in the Fourteenth Amendment only while permitted to remain, and the power to expel them and the manner of its exercise are unaffected by that instrument.

The right to exclude or to expel aliens, or any class of aliens, absolutely or upon certain conditions, in war or in peace, is an inherent and inalienable right
of every sovereign and independent nation.

"As to them (Chinese), registration for the purpose of identification is required, and the deportation denounced compliance with that requisition. No euphuism can disguise the character of the act in this regard. It directs the performance of a judicial function in a particular way, and inflicts punishment without a judicial trial. It is, in effect, a legislative sentence of banishment, and as such, absolutely void. Moreover, it contains within it the germs of the assertion of an unlimited and arbitrary power, in general, incompatible with the immutable principles of justice, inconsistent with the nature of our government, and in conflict with written Constitution by which that government was created and those principles secured" - Dissenting opinion: Chief Justice C. J. Fuller.

Chae Chan Ping v. United States

130 U. S. 581

Fact: The appellant is a subject of China and a laborer by occupation. He resided at San Francisco from 1875 until 1887 when he left for China having in his possession a certificate in terms entitling him to return to the United States, issued by the collector of the customs of the port of San Francisco. On his return to California on October 1888, the collector of the port refused the permit for him to land, solely on the ground that under the act of Congress,
approved October 1, 1884, the certificate had been annulled and his right to land abrogated. The captain of the steamship therefore detained him on board the steamer. He appealed for a writ of habeas corpus, alleging that he was unlawfully restrained of his liberty. 

**Point of law:** Could he enter the United States? Was his liberty unlawfully restrained?

**Decision:** His detention was executed without the due process of law, and he could enter the country.

**Argument:** It did not appear that the petitioner was held under any sentence, judgment, writ or other judicial process of any court, it becomes instantly manifest that he was deprived of his liberty without due process of law.

Whatever power Congress may have to prohibit the immigration of other foreign citizens, it had none to prohibit the return to this country of the appellant. He had a vested right to return, which could not be taken by legislative power.

**The Chinese Tax Case.**

On Yuen Hai Co. & others v. Ross & others

14 Federal Report 338

**Fact:** A statute of Oregon provides that all male persons between certain ages, "residing" in a road district, shall be listed for the road labor on or before April 15, and be liable to perform two days' work on the roads therein, or pay two dollars for each day's work. About February, 1882, these Chinese laborers came to Oregon and were
employed upon the railway construction without any purpose or occasion to remain longer therein than four months as the road bed was completed they would leave. And before April 15, the defendant Ross, as supervisor of said road district, listed them as persons residing therein, and liable to perform work on the public road for two days.

Point of law: Were these Chinese laborers liable to perform road labor in district No. 8 under the circumstances of their presence there?

Decision: They were not "residing" in said district on or before April 15, within the meaning of the statute, so as to be liable to perform road labor therein.

Argument: These Chinese laborers were never residents of road No. 8 within the meaning of the statute, but only persons transiently there—persons passing through the district in the construction of the Oregon Railway & Navigation Company's Railway—and therefore they were never liable to perform road labor therein.

Case of the Chinese Cabin Waite

In re Ah Sing.

13 Federal Report 286

Fact: The petitioner came to California six years ago from China, and has since resided in the state; for some months past he has been employed as a cabin waiter on
board the steamship City of Sydney, which depart from San Francisco bound on a voyage to Australia, and return to this port. Since its return the captain has refused to allow him to land, and detained him on board, in contravention of the constitution of the United States (the Act of Congress of May 6, 1882 relating to Chinese labor declares that after the expiration of ninety days from its passage and for the period of ten years the coming of the Chinese laborers is suspended. Its second section enacts: That the master of any vessel who shall knowingly bring within the United States on such vessel, and land or permit to be landed, any Chinese laborer from any foreign port or place, shall be deemed guilty of a misdemeanor).

Point of law: Whether the petitioner is within the class of laborers whose landing in the United States is prohibited by the act of the Congress?

Decision: He is not within the prohibition of the act of the Congress, and his restraint by the captain of the steamship is unlawful. He must therefore be discharged.

Argument: The object of the prohibitory act of congress was to prevent the further immigration of the Chinese laborers to the United States, not to expel these already here. It even provided for the return of such laborers, leaving for a temporary period, upon their obtaining certificates of identification.
The prohibition of the act of congress upon any master of a vessel bringing into the United States any Chinese labor from any foreign port or place, means, from bringing any Chinese laborers embarking at a foreign port or place, and does not apply to the bringing of a labor already on board of the vessel when it touches at a foreign port.

A person shipping on an American vessel as one of the crew is within the jurisdiction of the United States. An American vessel is deemed a part of the territory of the state within which its home port is situated and as such a part of territory of the United States.

**Case of the Chinese Merchant**

In re Low Yam Chow

13 Federal 605

**Fact:** The petitioner is a Chinese merchant in Peru about ten years and in San Francisco about five years. On the 31st day of July last (1882) he took passage at Panama on the steamship which arrived at the port of San Francisco on the 7th of August, and the captain of the vessel refused to allow him to land, but detains him on board of the vessel under the claim that his landing in the United States is prohibited by the act of congress of May 6, 1882. He therefore prays that a writ of habeas corpus be issued to produce him on the ground that his occupation did not within the meaning of the treaty.
**Point of law:** Whether Chinese merchants, who resided, or on the passage of the act of congress, in other countries than China, on arriving on a vessel in a port of the United States, are required to produce certificates of the Chinese government establishing their character as merchants, as a condition of their being allowed to land. And, whether their character as such merchants can be established by parol proof.

**Decision:** The writ being issued.

**Argument:** Chinese merchants who resided, on the passage of the act of congress of May 6, 1882, in other countries than China, on arriving on a vessel in a port of the United States are not required by said act to produce certificates of the Chinese government establishing their character as merchants as a condition of their being allowed to land. Their character as such merchants can be established by parol evidence. The certificate mentioned in the section six of the act is evidently designed to facilitate proof by Chinese, other than laborers, coming from China, and desiring to enter the United States, that were not of the prohibited class. The particulars which certificates must contain show that it was to be given by the Chinese government to those then residing there, as their place of residence in China is to be stated. Further more the act of May 6, 1882 is to put
a restriction upon the emigration of laborers, and not to interfere with the commercial relations between China and this country, by excluding Chinese merchants, or putting unnecessary and embarrassing restrictions upon their coming to this country.

**Chinese Fishing Case**

In re Ah Chong

2 Federal 733

**Fact:** Article 19 of the new constitution of California, headed "Chinese", in addition to the provisions referred to in Parrott's case, recently decided in Circuit Court, D. California, June, 1880, forbidding the employment of Chinese by any corporation, or on any state, county, municipal, or other public work. Besides three other acts have passed: One on April 3, 1880, entitled, "An act to provided for the removal of Chinese whose presence is dangerous to the well-being of communities outside the limits of cities and towns in the state of California," another act on April 12, 1880, entitled "An act to prohibit the issuance of licenses to aliens not eligible to become electors of the state of California, and on April 23, 1880, still another act, entitled "An act relating to fishing in the waters of this state" which provides as follows: "Section 1. All aliens incapable of becoming electors of this state are hereby prohibited from fishing
lobsters, shrimps, or shell-fish of any kind, for the purpose of selling or giving to another person to sell. Every violation of the provisions of this act shall be a misdemeanor, punishable upon conviction by a fine of not less than $25, or by the imprisonment in the county jail for a period of not less than thirty days."

The petitioners in the several cases, subjects of China, were arrested for taking fish in San Pablo Bay, within the state, and selling the same in violation of the provisions of the last-named act, tried and convicted before the proper court, and sentenced to imprisonment for the period of thirty days. Being imprisoned in pursuance of the judgments, they severally sued out writs of habeas corpus, and now ask to be discharged on the ground that their imprisonment is in violation of our (the United States) treaty with China, commonly known as the Burlingame Treaty, and the Fourteenth Amendment to the national constitution.

**Points of law:** Should writs of habeas corpus be granted to them? Is the statute mentioned above constitutional?

**Decision:** Habeas corpus granted. The statute of California prohibiting all aliens incapable of becoming electors of the state from fishing in the waters of the state violates the Fourteenth Amendment of the Constitution of the United States, also articles five and six of the treaty
with China, and is void.

**Argument:*** All these acts, as well as the acts and constitutional provisions considered in Parrott's case, are in pari materia; and, being so, indicates and illustrates the motive or purpose of the passage of any one of them. To exclude the Chinamen from fishing in the waters of the state, while the Germans, Italians, Englishmen and the Irishmen, who otherwise stand the same footing, are permitted to fish ad libitum, without price, charge, let, or hinderance, is to prevent him from enjoying the same privileges as are "enjoyed by the citizens or subjects of the most favored nations," and to punish them criminally for fishing in the waters of the state, while all aliens of the Caucasians race are permitted to fish in the same waters without restraint and with impunity, and exempt from all punishments, is to exclude them from the enjoying the same immunities and exemptions "as are enjoyed by the subjects or citizens of the most favored nation," and such discriminations are in violation of the treaty with China.

The Fourteenth Amendment of the national constitution of the United States provides that "no state shall deny to any person within its jurisdiction the equal protection of the laws." To subject the Chinese to imprisonment for fishing in the waters of the state, while aliens of
all European nations under the same circumstances are exempt from any punishment whatever, is to subject the Chinese to other and entirely different punishments, pains, and penalties than those to which others are subjected, and it is to deny to them the equal protection of the laws, contrary to those provisions of the constitution.

Surveying the Chinese in America and the problems to which they are concerned, the best solution of the situation would be the repudiation of the exclusion acts. In a democratic society a man should always be treated as a man regardless of his race, religion, and creed.
CHAPTER V

PRESENT ATTITUDES AND POLICIES

A nation's attitudes and policies toward other nations are based upon the principles upon which that nation is founded. Furthermore, a nation's policies and attitudes are usually its people's attitudes and policies. This is particularly true with the relations between America and China. America is a democracy, and China is a republic. Americans are freedom loving people, and Chinese are peace loving people. These are the fundamental factors shaping the nation's attitudes and policies toward each other.

A. America's policy

The fundamental policies of the United States with regard to other nations could be summed up in a single word, 'Freedom.' Judge John B. More in his "The Principles of American Diplomacy" makes the following statement:

"Many nations have come and gone, and have left little impression upon the life of humanity. The Declaration of American Independence however, bore upon its face the marks of distinction, and presaged the development of a theory and a policy which must be worked out in opposition to the ideas that then dominated the civilized world. Of this theory and policy the keynote was freedom; freedom of the individual, in order that he work out his destiny in his own way; freedom in government,
in order that the human faculties might have free course; freedom in commerce, in order the resources of the earth might be developed and rendered fruitful in the increase of human wealth, contentment and happiness."

President Roosevelt has captured the same idea in four freedoms which he characterized as necessary for free peoples everywhere in the world, namely; freedom of speech, freedom of worship, freedom from want, and freedom from fear.

1. Open Door Policy

The Open Door Policy, which was set up a few decades ago, saved China from partition in the late nineties. It has become a general recognized principle for most western powers in their relations with China.

The first and traditional American policy toward China is that of the Open Door. This policy was set up by Mr. John Hayes in 1899, and was finally defined in Washington Conference in 1922. The policy was formed through the belief that the best interests of the United States are to be obtained through a strong Chinese Government; through recognition of its sovereignty; through the preservation of its integrity either against internal disintegration or aggression from outside. This belief was set up as early as America had the first treaty relations with China. In 1850 when the Tai-Ping
Rebellion was about to conquer the country, Humphrey Marshall, American Commissioner, stated the policy of "maintaining order there." In 1858 when England and France allied against China and invited America to participate in the armed conflict, the American government communicated to both governments that the United States Government would not cooperate with any nation in armed forces in dealing with China.

After the Sino-Japanese War in 1895 when Japan took Formosa and gained special privileges in Shantung Province, the western powers followed the Japanese example of taking advantage of the exhausted China, and demanded China give up certain rights to them. In 1898 to 1899 the period was known as the "Break-up of China", when Great Britain leased Weihaiwei, and Kowloon, France leased Kwangchow-wan, Russia leased Port Arthur, and Germany leased Kiaochow, besides each power divided the country in regions known as "sphere of influence." But America had stood aloof. Fearing American interests and commerce would be seriously affected, Secretary of State, John Hayes, sent instructions to American ambassadors in England, Germany, Russia, and then to Italy, France, and Japan on September 6, 1899. They were to request the governments to which they were accredited to make declaration:

1. That it will in no wise interfere with any treaty
port or any vested interest within any so-called 'sphere of interest' or leased territory it may have in China.

2. That the Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports within such 'sphere of interest' (unless they be 'free ports'), no matter to what nationalities it may belong, and that duties so leviable shall be collected by the Chinese Government.

3. That it will levy no higher harbor dues on vessels of another nationality frequenting any port in such 'sphere' than shall be levied on vessels of its own nationality, and no higher railroad charges over lines built, controlled, or operated with its 'sphere' on merchandise belonging to its own nationals transported over equal distance.

The underlying significant fact of this declaration is that the United States refused to recognize that there was any 'sphere of interest' and insisted on the principles of equality of opportunity for commerce and trade.

After the suppression of Boxers Uprising in 1899, to which the United States joined seven other powers (England, France, Holland, Italy, Germany, Russia, and Japan) sending 2,500 troops, once again the United States took the lead in formulating a policy which would guide the associated powers and eventually safeguard China.
On July 3, 1900, a circular note was dispatched to American representatives abroad indicating American purpose was to rescue the legations and protect Americans, but in additions... "the policy of the government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity....."

From this time the two phases 'the Open Door' and 'the Integrity of China' were linked in political manifestoes.33

There was other evidence relating to the Boxers Uprising showing the good intention of the government of the United States. When the Boxers were suppressed, the powers asked for heavy indemnity. The United States, which advocated moderate measures, asked for a lump sum of $25,000,000 only 7.3 per cent of the total indemnity. She was awarded $24,440,000 which proved to be twice as much as her actual claims and expenses were later found to be. There is reason to believe that some of the other powers considerably overestimated their actual losses and expenses. In 1908 the United States Government refunded half of the indemnity to China for the purpose of education, and in 1912 the other half was returned.

In 1921 President Harding invited the principal naval powers to send delegates to consider the question of the

the limitation of armament, in connection with which Pacific and Far Eastern questions were also discussed. The second treaty was signed by the nine powers and related to principles and policies to be followed in matters concerning China. In the first article the contracting powers other than China agreed:

1. To respect the sovereignty, the independence, and the territorial and administrative integrity of China; 2. to provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government; 3. to use their influence for the purpose of effectively establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China; 4. to refrain from taking advantages of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly states, and from countenancing action inimicable to the security of such state.

In the Third Article the 'Open Door' was more carefully defined—the first definition to be given it since the notes of Secretary John Hayes in 1899:

"With a view to applying more effectively the principles of the Open Door or equality of opportunity in China for the trade and industry of all nations, the contracting powers other than China, agree they
will not seek, nor support their respective nationals in seeking:

1. Any arrangement which might purport to establish in favor of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China.

2. Any such monopoly or preference as would deprive the nationals of any other power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or any other local authority, in any category of public enterprise, or which by reason of its scope, duration or geographical extent is calculated to frustrate the practical principle of equal opportunity.

In addition to the formal treaties the Washington Conference adopted ten resolutions relating to China. The more important ones are; one called for a board of reference for Far Eastern Affairs, a second expressed the sympathy for China on extraterritoriality and provided a commission to inquire the Chinese jurisdical system with a view to reporting their findings and recommendations and a third expressed the agreement of the powers to withdraw their postal agencies from China. This was promptly fulfilled. All the foreign post offices were properly closed in November and December of 1922.
Another concrete achievement of the Washington Conference was the solution of the Shangtung problem. During the World War Japan sent troops to Shangtung and took over all German rights and leased territory in that province. Japan refused to give up to China, even though China was a party of the winning Allies. The Paris Peace Conference, 1919 failed to bring about a just solution to the problem. Thus the Chinese delegation refused to sign the Versailles Treaty. In the Washington Conference it constituted a real opportunity for the Chinese to put the issue to test. Japan insisted on a separate meeting. Thanks to the efforts of Mr. Hughes and Mr. Balfour, the Shangtung Treaty was finally signed on October 4, 1922 between China and Japan. It provided for the restoration to China of the former German leased territory of Kiaochow and for the transfer to China without compensation of all public properties which the German possessed.

2. Democracy

America's policies toward China since the Washington Conference have tended to be more positive and practical, as the conference regulated. Internal stability, reconstruction, and sanction against outside aggression were employed. The first step to achieve this goal was the Pact of Paris which formed a landmark in the history of American foreign policy. The Pact was first
signed between France and the United States by Mr. Kellogg and Mr. Briand, then extending to sixty odd signatories including China and Japan. It was signed in Paris, August 27, 1928. The chief aims of the Pact are:

1. That they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another, and,

2. That they agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

Then Japan invaded Manchuria on September 13, 1931. The acts of the Japanese Government not only violated the Nine Powers Treaty of the Washington Conference of February 6, 1922, which undertook to respect the sovereignty, the independence, the territorial and administrative integrity of China, to maintain equality of opportunity in China for trade and industry of all nations, and to refrain from taking advantage of conditions to seek special rights or privileges, but also destroyed the very principle of the Kellogg-Briand Pact which renounced war as an instrument of national policy in their relations with one another.
Four days after the events of Manchuria, the United States Government handed a memorandum to Japan expressing "concern, morally, legally, and politically to a considerable number of nations." On January 3, 1932, Japan marched into Chinchow thus to complete the occupation of Manchuria. Secretary of State Stimson on January 7, 1932, handed identical notes to diplomatic representatives which declared that the United States will not recognize any situation, treaty, or agreement brought about by means contrary to the Pact of Paris, and Nine Powers Treaty. And for the first time the United States tried to cooperate with the League of Nations on the issue of Manchuria by sending Pretiss Gilbert, American Consul-General at Geneva to sit with the Council of the League. Unfortunately the efforts of the League of Nations and of American Government to solve the Sino-Japanese conflict in Manchuria failed, due to the lack of universal support. It leads to a diminished faith in the post-war agencies of peace and an increased faith in armaments.

On July 7, 1937, Japan started an all-out campaign against China. China being weak in military defense, appealed to the democracies for help, and justice. President Roosevelt in his historic Chicago speech in late 1937 declared that the United States can not save itself by isolation or neutrality in a world of anarchy. "It seems to be unfortunately true that the epidemic of world
lawlessness is spreading." Thus he advocated "quarantine" of this epidemic.

Since July 7, 1937 the Government of the United States has adopted two policies: Economic sanction and embargo against Japanese invasion, and moral and financial support to China to enable her to carry on a war of resistance against Japan.

The following is a list of the United States loans to China:

(1) $25,000,000 extended by the Export-Import Bank in December, 1938. China to buy non-military supplies and to pay in wood oil.

(2) $20,000,000 extended by the Export-Import Bank in March, 1939. China to buy non-military supplies and to pay in tin.

(3) $25,000,000 extended by the Export-Import Bank in September, 1940. For 'foreign exchange needs.' To be liquidated through the sale of tungsten.

(4) $100,000,000 granted in December, 1940. Divided into two parts: (2) $50,000,000 to be liquidated through the shipment of wolframite, antimony, and tin; (b) $50,000,000 from the United States Stabilization Fund, 'for the purpose of monetary protection and management between American and Chinese currencies.'

34. Contemporary China, vol. 1, no. 23, April 6, 1942
In early February this year the United States extended a $500,000,000 loan to China. In a special message addressed to Chiang Kai-shek, President of the Executive Yuan, on February, 1942, President Roosevelt expressed the hope that the loan would contribute toward the strengthening of China's financial structure and the solution of production and procurement problems. On March 12 the American and Chinese Governments entered into a Loan Agreement, giving effect to the act of Congress authorizing financial assistance to China:

"Whereas such financial aid will enable China to strengthen greatly its war efforts against the common enemies by helping China to

(1) strengthen its currency, monetary, banking and economic system;
(2) finance and promote increased production, acquisition, and distribution of necessary goods;
(3) retard the rise of prices, promote stability of economic relationships, and otherwise check inflation;
(4) prevent hoarding of foods and other materials;
(5) improve means of transportation and communication;
(6) effect further social and economic measures which promote the welfare of Chinese people; and
(7) meet military needs other than those supplied

35. Ibid
under the Lend-Lease Act and take other appropriate measures in its war effort.36

B. China's Policy

China's foreign policy is found upon the fundamental principles of the Chinese Republic—the Three Principles of the People. The three principles may be said to be of American origin. In his teens Dr. Sun Yat-sen, Father of the Republic, studied in a Honolulu high school, where he breathed the air of American life and absorbed the spirit of American democracy. Of all American literary works, the famous Gettysburg address must have made the deepest impression upon the future revolutionary leader of China. When he grew up, he wished to secure for the Chinese the blessings of a "government of the people, by the people and for the people." Hence the Three Principles of the People.

To Sun Yat-sen, a government of the people means a government based upon the principle of national independence and sovereignty free from external aggression and exploitation. A government of the people means one based upon the principle of political democracy; and a government for the people means one based upon the principle of social welfare.

These three principles may be said to be the roots of China's policies toward other powers, namely; national

36. Ibid
independence, sovereignty, and democracy toward others. China does not demand other than internal development, autonomy, and independence, and external equal treatment and peace. This spirit has been manifested by her fair dealing with America throughout the history of relations of these two nations; by her faithful fulfillment of the obligations defined by the Open Door Policy, by the Nine Powers Treaty and by the Kellogg and Briand Pact.

When China was attacked by Japan first in 1931 and subsequently in 1937. China resisted alone for more than four years. China fought for the fundamental principles previously cited, and at the same time fought for international justice and law, and order. China is always ready to cooperate with all friendly, and democratic nations to achieve this ultimate goal.

This spirit is further manifested in her declaration of war on the Axis Powers on December 9, 1941, two days after America has been attacked by Japan. President Lin Sen of the Chinese Republic issued the Chinese declaration:37

"Japan's national policy has always aimed at the domination of Asia and mastery of the Pacific. For more than four years China has resolutely resisted Japan's aggression, regardless of suffering and sacrifice, in order not only to maintain her national independence and

37. Contemporary China, vol. 1, no. 15, December 15, 1941
freedom but also to uphold international law and justice and to promote world peace and human happiness.

"China is a peace-loving nation. In taking up arms in self-defense, China entertained the hope that Japan might yet realize the futility of her plans of conquest. Throughout the struggle all the other powers have shown the utmost forbearance likewise in the hope that Japan might one day repent and mend her ways in the interest of peace in the entire Pacific region.

"Unfortunately Japan's aggressive capacities prove to be incorrigible. After her long and fruitless attempt to conquer China, Japan, far from showing any sign of penitence, has treacherously launched an attack on China's friends, the United States and Great Britain, thus extending the theatre of her aggressive activities and making herself the arch enemy of justice and world peace.

This latest act of aggression on the part of Japan lays bare her insatiable ambitions and has created a situation that no nation which believes in international good faith and human decency can tolerate......

On the same day the Chinese Government declared war on Germany and Italy. The text of the Chinese declaration follows:

"Since the conclusion of the tripartite pact of September, 1940, Germany, Italy, and Japan have
unmistakably banded themselves into a block of aggressor states working closely together to carry out their common program of world conquest and domination. To demonstrate their solidarity Germany and Italy successively accorded recognition to Japan's puppet regimes in northeastern China and at Nanking. As a consequence, China severed her diplomatic relations with Germany and Italy last July. Now the Axis powers have extended the theater of their aggressive activities and thrown the whole Pacific region into turmoil, making themselves the enemies of international justice and world civilization. This state of affairs can no longer be tolerated by the Chinese Government and people......

In explaining why China has declared war upon the three Axis powers simultaneously, Foreign Minister Quo Tai-chi said: "China regards the present situation as one where we must act on the principle of all for one and one for all. In other words, China firmly believes that Germany and Italy are not to be considered solely as the enemies of Britain and Russia and, similarly, Japan cannot be considered solely as the enemy of China, the United States, Britain, and the members of the British Commonwealth of Nations. Consequently, China has decided to declare war on Japan and also on Germany and Italy." The Foreign Minister pledged that China would make every
sacrifice to collaborate with the democratic allies in defeating the Axis powers.\textsuperscript{38}

Hence China's present policy is to make every sacrifice to collaborate with the democratic allies in defeating the Axis powers, in order that China's national independence and freedom can be maintained and world justice and law can be restored. This sincere collaboration can be proved by the fact that Generalissimo Chiang Kai-shek appointed Lieutenant General Joseph Stilwell of the United States Army as Chief of his Staff, and Commander of the Chinese troops in defending Burma.

C. Lease-lend

American policy toward China is climaxed by the signing of the Lease-lend agreement between these two countries. Early this year (1942) President Roosevelt had reassured that China would receive United States concrete aids which included the Lease-lend program. On June 2, 1942 China's Foreign Minister T. v. Soong signed a Lease-lend agreement in Washington with Secretary of State Cordell Hull. Two days after the signing of the lease-lend agreement three important United States Army generals appeared in Chungking, China's wartime capital, to talk to China's Generalissimo Chiang Kai-shek. They were Lieutenant General Joseph W. Stilwell, Major General Lewis H. Brereton and Brigadier General Claire L. Chennault.

\textsuperscript{38} \textit{Contemporary China}, vol. 1, no. 15, December 15, 1941.
of the American Volunteer Group "Flying Tigers." Certain now of the substantial United States aid, the Generalissimo announced:

"We have passed our most dangerous crisis and there is decidedly no danger of our being subjugated by the enemy. We must fulfill our duties on the Asiatic mainland as one of the Allies." 

CHAPTER VI

SUMMARY AND CONCLUSION

When we trace the history and the development of Sino-American relations in the short span of one hundred years, we might be safe in visualizing the course of future relations. Although some unfortunate events have occurred between these two nations, yet they can be forgotten on account of mutual interests and better understanding. To this respect, we, both American and Chinese have accomplished to a great extent. During the early period of relations, the problems between America and China were commerce, trade, the protection of American citizens in China and the enforcement of treaty obligations. These problems were solved by the granting of special rights such as extraterritoriality to the Americans in China. The second period was a sort of rivalry. The problems concerned between these two countries were mainly Chinese labor problems in America. These problems have been temporarily regulated by the immigration laws and discrimination acts. The fundamental issue has not been reached yet, and the basic solution seemingly lies on the removal of statutory regulations. The Chinese should be put on an equal basis with other nationalities and this is a fundamental principle of democracy. In other words, the quota basis should be applied to every group of people including the Chinese.
When China became a republic thirty-one years ago, and adopted the principles of modern democratic government as her own, and in the succeeding years, there was a movement toward the abolition of extraterritoriality and 'special rights.' The Chinese considered these rights granted by external pressure which was a form of imperialism and hence undemocratic. This movement continued until the invasion of Manchuria started in 1931.

The fourth period of the Sino-American relations covers the last ten years of the conflicts in the Pacific. China is eager to build up a new and democratic nation, and America believes that if democracy functions at its fullest achievements, it should be made workable both within and without the country. Thus America adopted a more democratic policy toward China. This eagerness on the part of China and this belief on the part of America lead America's non-recognition policy, and moral and material supports to China, enabling China's determination to fight for peace, freedom and international justice. The significance of this period is from America's non-recognition policy to the direct involvement and participation in the Pacific conflict with China against Japan. This period is also featured by the military, economic and political collaboration between China and America, and America's willingness to abolish all her 'special rights and privileges' in China.
Besides these military, economic and political collaborations, the cultural diffusion between the two nations should never be neglected. For its influence is very great. The channel through which the Americans and Chinese have the same aspirations and ideals is this cultural diffusion. One of the most important processes of this cultural diffusion is education. It is said reliably that majority of the high ranking officials in the Chinese Government are American University educated students. These Chinese students act as ambassadors of good will both during the time of their education in America, and their leadership in China at the present moment.

From this above brief review of the Sino-American relations from 1844 to date, we find this important fact, that the two countries developed from strangers into friends, and from friends into allies. China and America have the same ideals and democratic aspirations; today they stand side by side fighting for the common causes against the common enemies. China in defending her national independence and freedom, and international justice and law becomes a victim of Axis powers. America, similarly in defending these principles becomes involved in the same struggle. Our main aim at present is to collaborate every effort to defeat our common enemies.
China is a nation of unlimited man power and natural resources, America has great wealth and machine power. Proper coordination and collaboration of these essential elements mean the defeat of both nation's common enemies, in time of war; sustaining peace and world order in time of peace. It is traditional American belief and policy that an independent and free China constitutes real stability and peace in the Pacific.

According to the present tendency we have every reason to believe that Sino-American relations will develop toward more close cooperation for the best interest of both nations and for human welfare. America has already indicated her attitude in abolishing her special interests, privileges and concessions in China as announced by Secretary Hull last year. China on the other hand will welcome America's economic and technical help in developing the country.

The two great democracies will not only stand together to win the war, but also toward post-war world reconstruction. On January 1, 1942, China and America joined with twenty-four other powers in signing in Washington the Declaration of the United Nations. This declaration will remain an immortal document making the dawn of a new era in the evolution of human society.

In the Washington Declaration the signatories make two definite commitments: to employ full resources,
economic and military, against the Axis members, and to conclude no separate armistice or peace with them. The Chinese Government and people have hailed the Washington Declaration as a definite step toward winning the war and winning peace. "After this declaration," says the official Chinese statement, "there will be only one war—one alliance—one peace." The Chinese Government and people have wholeheartedly pledged to play their part in the defeat of the Axis and in the establishment of a just and durable peace. Generalissimo Chiang Kai-shek, says our purpose is two-fold: to win the war and to win the peace.
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