Mr. MORGAN. I thought he was chief justice.
Mr. CULLOM. No; Judge Judd was chief justice and recently resigned. Judge Frazier may be chief justice now, perhaps, since I understand the chief justice tendered his resignation on account of ill health.
Mr. President, this goes upon all fours with what is talked here all the time, that these governments must be set up, so far as the United States has anything to do with them, as nearly as we can on a basis which will result in conserving the best interests of the people of that country as well as the United States generally. Hence, if it is thought best to impose a property qualification it is on the ground that the provisions in civil governments must be so framed as to be controlled entirely with the control of the legislative department of the government. That is all I desire to say on that branch of the subject.
Mr. TILLMAN. Before the Senator leaves that part, I suppose that the white people in Hawaii must be protected in their property and in their civilization against the ignorance of the majority of colored people meets his hearty approval?
Mr. CULLOM. The Senator need not suppose anything about it. I do my own supposing.
Mr. TILLMAN. I thought that was a fair interpretation of the bill which the Senator has presented here and which he is advocating.
Mr. CULLOM. I cannot prevent the Senator’s placing his own interpretation upon it. I will answer the Senator by saying I should be sorry to see any condition occur as the result of the passage of any act relating to that Territory which would result in confusion and the destruction of property and breaking down the great business interest of that country, which is as prosperous today as any Territory in the world.
Mr. TILLMAN. In other words, the Senator would object, and he is endeavoring to object, by legislation, to having ignorance and vice control intelligence and property.
Mr. CULLOM. I do not say that I want ignorance or vice to control, or that I believe there is such a condition. What I say is that the commission and the Committee of Foreign Relations took into consideration everything they could think of connected with that subject, and the majority of the commission and the majority of the Committee on Foreign Relations believed that the provisions in the bill were necessary in the interest of the prosperity and the welfare of that people.
Mr. TILLMAN. I hope the Senator does not understand that I am urging in favor of ignorance and vice controlling the white people over there.
Mr. CULLOM. I do not say I understand anything of the sort.
Mr. MONEY. If the Senator from South Carolina will permit me, I am from Illinois, on behalf of the committee, submits the bill here which presents the best thought of the Committee on Foreign Relations as to the proper government to be provided for the Territories. The committee had been read. The Senator has presented here a bill which, in the opinion of the committee, is necessary in its provisions to secure good government and order in those islands, and to attain that there is a necessity of making certain restrictions on account of the small number of people.
Mr. TILLMAN. The Senator from Connecticut says there are seventeen hundred Anglo-Saxons. There are seventeen hundred white people, but a large number of them are Germans and French, as well as English and American; Anglo-Saxons from America as well as from England. I am informed the committee is not as numerous as is thought that the Senator read from the statistics, that the committee did not think it was safe that the affairs of that Territory should be turned over to a body of voters for any reason could take control and who would, as he reads there, on account of racial prejudice, speedily unite and cause the committee to have dominating influence there even under the monarchy. It was the white influence that dominated there. Everybody will recollect that in the time of Kalakaua it was American interests for Kalakaua against the English interests, which advocated the election of Queen Emma to the throne. That has been dominant. It led to the treaty and finally to the act of annexation.
So it is we take the Senator from Illinois has presented here what the committee believes to be the very best thing to be done for these islands, and we think the committee was not necessary that might be put in the bill. But something had to be done under the peculiar circumstances surrounding that country, this small body of white men owning the land and the large number of natives—about 9,000—who have divested themselves of all they had, and 2,001 of them alone owning the forests. The size of the Madeira Islands, hardly equal to the natives in character. So it was necessary that this provision should be put in.
Mr. TILLMAN. I will only interject right here the remark that I should like to have the Senator from Illinois give us some information as to how far it applies. The fifteenth amendment to the Constitution reads:
The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
It looks to me like that is a very sweeping provision and covers all these people.
Mr. CULLOM. Does the Senator want to ask a question?
Mr. TILLMAN. Yes, sir. I should like to know whether this applies to the Kanakas and others who are now being discriminated against?
Mr. CULLOM. There is no discrimination in this bill against any race of people. It simply provides a property qualification in addition to the intelligence qualification which there is in the bill.
Mr. PLATT of Connecticut. That applies to all races and all colors.
Mr. CULLOM. To all colors and all conditions.
Section 10 provides that all obligations, contracts, rights of alien nationals at law and in equity, proceedings, and judgments existing prior to the taking effect of this act shall continue as effective as if the act had not been passed, etc.
I assume that Congress can not invalidate contracts, but Congress can prohibit the enforcement of labor contracts, and certainly am in favor of doing so; but I think the extension of our labor laws over the Territory will prohibit any criminal prosecutions or penal proceedings for the enforcement of labor contracts that exist in that island to-day. The law of Hawaii permitting the securing of labor under contract by bond for a sum in lieu of four or fifty years and a race from the ships of war on the whaling ships going into Hawaiian ports, enabling masters to secure sail for a definite period, to whom they paid an advance in view of a contract for service to be rendered. As we all know, sailormen throughout the world are familiar with similar restrictions to keep seamen, not to send up to the law to compel fulfillment of seamen’s contracts, even to the extent of imprisonment or other punishment. When the labor laws are extended over the Territory, of course there will be no further right to make contracts to bring in laborers by sugar planters or anybody else.
Mr. PLATT of Connecticut. I should like to ask one question for information. We commit the subject of making laws to the Legislature of the Territory of Hawaii. Of course all our laws prohibiting the importation of alien laborers under contract will be enforced there, but will they have the right to continue their present labor contracts?
Mr. CULLOM. Certainly not. If our labor laws are extended over that Territory, they will prohibit bringing in labor under contract.
Mr. PLATT of Connecticut. Are there any territories under their legislature after the laborers are there?
Mr. CULLOM. I should think not. If it does not, it ought to;
Mr. FORAKER. I understand section 6 of the bill contains the provision the Senator from Connecticut inquires about. That section extends to the Territory of Hawaii all the laws of the United States not locally applicable.
Mr. PLATT of Connecticut. Exactly; but there has been a great deal of talk here as to their laws regarding laborers after they get there, by which, if they refuse to labor, they may be punished.
Mr. CULLOM. What is the law of our country on that subject, now in force?
Mr. PLATT of Connecticut. We have no such law. We have no laws relating to it. I understand that what I want to inquire about is, there is nothing which prohibits the Hawaiian legislature from making laws with reference to contracts which may be made in Hawaii between the laborer and his employer containing provisions which we would not think were in accordance with the spirit of our institution. Mr. BOOHER. European and American laborers in force now are protected by this proposed act in so far as it may be inconsistent with the laws or Constitution of the United States. I suppose that will answer the Senator.
Mr. SPOONER. It is not applicable.
Mr. FORAKER. I think there is still another provision.
Mr. PLATT of Connecticut. It ought to, if it does not.
Mr. CULLOM. If it does not, it certainly ought to do so; and I shall be favorable to any amendment that will make it absolutely certain, if it is doubtful, that no such contracts shall be made as now.
Mr. TELLER. The Senator says he thinks the bill will do that. I have been over the bill with all the care I could bestow upon it. That is one of the things I want to inquire about. If he will indicate that provision, it will relieve me.
Mr. CULLOM. I had the assurance that when we extended