

their own profit in going to Hawaii. They laid the foundation, industrial and commercial, of Hawaii upon broad grounds; they shaped its legislation in accord with the high model of American tradition. They will be in the future, as in the past, the great vital, ennobling force that shall make Hawaii the fairest and best of the islands that have become part of the nation.

For the citizenship that is created, those who will have the ballot, this bill provides for an educational qualification. We give to Hawaii the intelligent ballot by providing in Hawaii the voter must be able to read, to write, and to speak either the English or the Hawaiian language. If there is any danger in this country to-day, it is the ignorant ballot. If there is any safety for the people of Hawaii in the future, it is the intelligent ballot. Thus we propose to create and to give to these people a government of a free, representative, United States Territory, founded on justice and equality, and depending for its preservation and advancement upon the intelligent ballot of the United States citizen. [Applause.]

Now, Mr. Chairman, in this bill, Senate 222, the House reports the bill, striking out all after the enacting clause of the Senate bill and inserting that of the House. The report that goes with the latter is not the report that was made with the House bill, and is very short. The full report, which I would be glad for all members to have and to see, was made upon the House bill when it was reported, and is numbered 305; and I have endeavored to see that there should be a sufficient number by a reprint, so that each member of the House might have one in his possession.

I do not propose to go over in detail the provisions of this bill. Members of the committee are ready and will be glad to answer all questions and give all information upon the bill that may be desired.

The first two sections simply define what is meant in the bill by the laws of Hawaii. They are the laws which have been enacted by past legislatures of Hawaii and the constitution that was adopted by the republic.

Mr. RIDGELY. Will the gentleman allow me a question?

Mr. KNOX. Certainly.

Mr. RIDGELY. If I understand you, we are extending the same laws as to immigration and the importation of contract labor to Hawaii that we have in the United States, and the bill provides for a restricted franchise.

Mr. KNOX. Provides an educational qualification.

Mr. RIDGELY. Can the gentleman tell us as to about what per cent of population will be entitled to franchise under the provisions of this bill?

Mr. KNOX. About 80 per cent of the people are able to read and write.

Mr. RIDGELY. Of the entire population?

Mr. KNOX. Yes.

Mr. RIDGELY. Including the Japanese and Chinese?

Mr. KNOX. No.

Mr. COX. Mr. Chairman, I rise to a point of order. This conversation might as well take place in Hawaii for all we can hear.

The CHAIRMAN. Members of the House complain that they are unable to hear.

Mr. CANNON. I would suggest that the strong-lunged gentleman from Kansas go over to his side of the Chamber, and then the gentleman from Massachusetts, standing where he does now, will probably make himself heard.

Mr. RIDGELY. I availed myself of the liberty to come over to this side of the Chamber to hear the discussion, but I will get back on the other side. Now, if the gentleman will permit me, I will repeat my question.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Kansas?

Mr. KNOX. I do.

Mr. RIDGELY. I understand from the gentleman that the bill restricts the right of franchise to an educational qualification. My question is, What part of the entire population will be able to vote under this bill?

Mr. KNOX. About 80 per cent of all there is, except the Asiatics, who can not become citizens.

Mr. RIDGELY. What per cent are Asiatics?

Mr. KNOX. A little more than one-half—nearly 60 per cent.

Mr. RIDGELY. What part of the actual population of the island is affected by this bill?

Mr. KNOX. Less than half, perhaps 47 per cent, as to the right of citizenship and voting.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman what provision, if any, is made in this bill to prevent Asiatics born in the island of Hawaii from becoming voters?

Mr. KNOX. None whatever in this bill. They would stand under the existing United States laws, under which a Chinaman can not be naturalized either in a Federal court or a State court. So, too, Japanese can not be naturalized.

Mr. WILLIAMS of Mississippi. But Chinamen born in the United States become American citizens.

Mr. KNOX. Under the decision of the Supreme Court.

Mr. WILLIAMS of Mississippi. Yes; and so it would be if they were born in Hawaii. Is there no provision in the bill that would curtail their right of suffrage there in any way except the educational qualification?

Mr. KNOX. No.

Mr. WILLIAMS of Mississippi. I understand. I merely asked the question because I was afraid the gentleman's answer to a previous question, put him by the gentleman from Kansas, would leave a wrong impression.

Mr. KNOX. I am very much obliged to the gentleman. I do not wish to have any misunderstanding.

Mr. BARTLETT. I wish to ask whether section 102, the last section of the bill, will not be somewhat in conflict with the decision of the Supreme Court to which the gentleman has referred?

Mr. KNOX. In what regard?

Mr. BARTLETT. It provides that Chinese who may be in the Hawaiian Islands when this act takes effect may within one year obtain certificates of residence under the act of May 5, 1892—the very act which the Supreme Court of the United States decided did not apply to Chinese children born in this country. If Hawaii became, in July, 1898, a part of this country, then children born there since July, 1898, of Chinese parents would be citizens of the United States.

Mr. KNOX. I should not agree that July 8—

Mr. BARTLETT. I did not say July 8; I said July, 1898.

Mr. KNOX. I should not agree that on July 8 the Constitution and laws of the United States went into operation in Hawaii, except as they went there under the annexation resolution.

Mr. BARTLETT. The gentleman must admit that there might be a conflict of opinion on this point, and the Supreme Court of the United States might apply the principle of the decision contained on page 168 United States Reports.

Mr. KNOX. I do not see how we could provide for that in the bill.

Mr. BARTLETT. It struck me that the provision of the bill was in conflict with the decision of the Supreme Court of the United States in that case.

Mr. KNOX. This section does not refer to children born in Hawaii since the annexation. It simply provides a means by which Chinese who are there may obtain within a year certificates of residence which would entitle them to remain there. That is all it undertakes to deal with; it applies only to Chinese who are actually there.

Now, the provisions of section 6 continue in force the municipal legislation of Hawaii—its municipal laws as they have existed in the past, provided they are not inconsistent with the Constitution and laws of the United States. The Constitution and laws of Hawaii, which are in violation of the Constitution and laws of the United States, are repealed or abrogated.)

Mr. SMITH of Kentucky. In reference to section 6 I would like to ask a question. That section provides—

That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Now, this bill, when passed, will be a "law of the United States;" and when we have said that "the laws of Hawaii not inconsistent with the Constitution or laws of the United States shall continue in force, subject to repeal or amendment," we have said, it seems to me, as much as ought to be said.

Mr. KNOX. If there are any provisions of this bill which are inconsistent with the laws of Hawaii, then the laws of Hawaii must give way in the same manner as they would give way to our existing Constitution and laws. The language to which the gentleman refers may not be absolutely necessary, but certainly it can do no harm.

Mr. SMITH of Kentucky. No; I do not see that any harm will be done; but it is always preferable to have the expressions in a statute as plain and concise as possible.

Mr. RIDGELY. I would like to ask another question. Does this bill permit the immigration of Asiatic people after its passage?

Mr. KNOX. The bill makes Hawaii United States territory, extending to it the laws of the United States. Immediately upon this bill becoming a law, all our laws restricting immigration and prohibiting the importation of contract laborers take effect at once in Hawaii, and that is the reason of our desire that the bill may be promptly passed. As I before stated, since July 8, the date of the annexation resolution, there have been some 26,000 Japanese contract laborers imported into Hawaii.

Mr. RIDGELY. That was my understanding of the bill, but the question and answer a while ago did not bring out that fact clearly.