

power in Hawaii, since the annexation by special legislative enactment, which nobody denies the power of Congress to make.)

Mr. RIDGELY. And if I understand the gentleman, the Asiatics now in the islands can not come into this country because of their being there at the time this law goes into effect?

Mr. KNOX. That is another question which will arise under the last section. There are some gentlemen in the House who apprehend that under the provisions of the last section of the bill the Chinese may, within a year, obtain their certificates of residence in Hawaii, and that they may then come into California or Oregon and take the benefit of the wages and employment they can get there. I do not think, and the committee do not think, that can be done, but there is some doubt about it, and an amendment is to be prepared covering that, and I will say to the gentleman that we entirely agree that that should not be allowed, and provision will be made to prevent it.

Mr. RIDGELY. Another question, and I am done.

Mr. KNOX. Oh, certainly; anything you desire to ask.

Mr. RIDGELY. All who may be born on the islands of Asiatic parents will, by reason of their birth, be entitled to come into this country as citizens?

Mr. KNOX. They will be citizens. That is a decision of the Supreme Court.

Mr. WILSON of Idaho. They would be citizens if born here.

Mr. KNOX. They become citizens if born under this jurisdiction.

Mr. WILSON of Idaho. They would be citizens if born in Washington.

Mr. KNOX. We can not change that.

Mr. RIDGELY. And over 60 per cent of the population of the islands are Asiatics.

Mr. KNOX. More than half.

Mr. RIDGELY. Then we have a pretty wide door open for the admission of the Asiatics as citizens of this country.

Mr. KNOX. Let me say to the gentleman that of all the Asiatics who come over, very few are females. The Chinese come to Hawaii with the intention of remaining a few years and acquiring what is to them, in their own country, a competency and then returning. So do the Japanese.

Their whole purpose, and the whole dream and object of their life, is to return, and they do return. I am not giving exact figures, but they are approximate. Out of 50,000 Asiatics in Hawaii there are not 5,000 females.

Mr. WILSON of Idaho. Will not our Chinese-restriction laws apply to Hawaii as soon as this bill passes?

Mr. KNOX. Precisely. The laws of the United States cover that subject; and I will say to the gentleman from Kansas that the Asiatic births in Hawaii are exceedingly small in number and scarcely worth counting.

Mr. WILSON of Idaho. And if the gentleman will allow me to refer to subdivision 6, under the restriction of qualifications of voters for representatives, page 74, I notice a provision that they shall be able to speak, read and write the language of the United States or the Hawaiian language. I think that is a very admirable provision, which ought to be a statute of every State in the Union. It is an educational qualification, but I believe it is a new departure in Congressional legislation.

I do not know of Congress ever having made an educational qualification before. I think that will ultimately restrict, perhaps, the voting of native-born Chinese. I would like to have the gentleman's opinion as to why that provision was inserted in the bill, it being a departure in Congressional legislation.

Mr. KNOX. Well, it was the unanimous opinion of the committee that it was wise, and it was the unanimous desire of the persons from Hawaii who were here, who had had experience and had observed the people there, that the provision should be in the bill. They thought it was a safeguard and the best that could be adopted.

Mr. GILBERT. May I ask the gentleman a question?

Mr. KNOX. Oh, certainly.

Mr. GILBERT. I want to refer to section 1977 of the Revised Statutes of the United States:

All persons within the jurisdiction of the United States shall have the same rights in every State and Territory to make and enforce contracts, to sue—

And so forth—

and to the full and equal benefit of all laws—

And so forth.

Now, that section, of course, remains in force under the provisions of this act. I do not understand, and I would like to have you explain, how that statute can remain operative and at the same time by this act make a discrimination between the two races.

Mr. KNOX. We extend the laws of the United States.

Mr. GILBERT. But do you extend this statute there, too?

Mr. KNOX. Precisely. Now, where does the bill make any discrimination which you think is a distinction?

Mr. GILBERT. Why, by this statute all race distinctions are obliterated. Every man is secured the equal protection of this law. By your bill you preserve race distinctions and discrimination.

Mr. KNOX. In what regard?

Mr. GILBERT. As to their political rights. They are in conflict if you discriminate at all. If they have existed, they are in conflict with this statute which I have just read.

Mr. KNOX. By this very bill we extend the provisions of section 1977 to the people of the Hawaiian Islands. It does not apply to their political rights, but civil rights. We take away none of them, and the purpose is to take away none of them.

Mr. SMITH of Kentucky. I would like to ask the gentleman from Kentucky a question, which I think will answer his.

Mr. GILBERT. Well?

Mr. SMITH of Kentucky. Does the gentleman know where any Chinaman in any Territory of the United States can serve on a jury?

Mr. GILBERT. I do not know whether he can or not; but that does not meet the difficulty. The Supreme Court has repeatedly held that where a statutory enactment deprives a colored citizen, or a colored person, of his right to serve on a jury, that is to that extent a restriction of his political rights, and he is thereby deprived of equal protection of the laws. I want to know if we can have Hawaiian laws with race distinctions, notwithstanding the court has said that that is a discrimination and that it would deprive them of the equal protection of the law?

Mr. KNOX. The decisions of the Supreme Court of the United States will be equally operative in Hawaii as in any portion of the United States as to any constitutional right which he possesses. It does not apply to his right to vote.

Mr. GILBERT. I said in the outset that I was asking questions for information.

Mr. KNOX. I fear I can not give the gentleman all the information that he desires, but what I can I freely give.

Mr. GILBERT. This bill does not disclose who were citizens in the particular time designated in the bill. Will you please, for my benefit, tell me who were citizens?

Mr. KNOX. All persons who at the time this bill goes into effect were citizens of the republic of Hawaii and made citizens of the United States and the Territory of Hawaii.

Now, when the republic of Hawaii was formed, four years before the passage of the resolution, of course those there who were citizens under the monarchy were citizens under the republic. And these are made citizens by the bill.

Mr. GILBERT. Were there any marriages there between Asiatics and others?

Mr. KNOX. I do not know. I think that matter was not called to the attention of the committee at all. On pages 8 and 9 of the report the whole matter that the gentleman inquires about is put in figures. In the provisions of the bill, on page 74, is given the method of voting for senators. In that provision we did away with the accumulative voting which had prevailed in Hawaii.

Of course the provision as to registering in Hawaii had to be taken and entirely changed, or changed in a great degree, because there was a property qualification under the old law. The names of the officers of the republic had to be changed; and in the report the gentleman will find the registration laws that are repealed by the bill and all that are continued in force. The governor has the same power substantially as under our own Territorial laws. The secretary of the Territory corresponds to ours; the attorney-general and the treasurer are substantially the same as our own.

In regard to the public lands of Hawaii, the laws applicable to them and the reasons for the provisions are stated fully in the report. So as to the commissioner or superintendent of public works, the superintendent of public instruction of Hawaii, the surveyor, the sheriff, and also the appointment, removal, and tenure of office.

The judiciary is to consist of a supreme court and such inferior courts as the legislature may from time to time establish. There is also to be a Federal court, with jurisdiction entirely distinct from the Territorial. It was the unanimous opinion of all before the committee that with the increased commerce at Honolulu and the various new questions arising there would be ample business for a Federal court in the islands. The provision as to a Delegate in Congress is substantially that of the general Territorial law which has existed for many years.

Mr. WILSON of Arizona. Will the gentleman be kind enough to tell me on what page the judiciary is provided for?

Mr. KNOX. On page 86 of the bill, and the Federal court is provided for on page 90 of the bill. Hawaii is made a customs district and an internal-revenue district.

Now, Mr. Chairman, with these remarks, unless there is something more to be said or inquiries to be made by other gentlemen, I will yield to my friend the gentleman from Pennsylvania [Mr. McALEER] such time as he desires or such time as he wishes to yield.