

Alabama [Mr. MORGAN], in the last session of Congress, when the Senator from Indiana [Mr. FAIRBANKS] was pressing the passage of the bill extending the contract-labor laws or the immigration laws of the United States to Hawaii, objected upon the ground that it would be ruinous to the people of Hawaii to extend those laws to that people. The Senator from Alabama rose and stated that he had not taken that attitude. I spoke from recollection, for I remembered distinctly one part of what the Senator had uttered in that debate.

Upon examining the RECORD I find that there were two bills pending, a bill to give a government to Hawaii and a bill also to extend to Hawaii the contract-labor laws and the immigration laws of the United States. On reading the RECORD of what was said upon the subject, I find that the objection made by the Senator from Alabama to the proposition of the Senator from Indiana was not directed to the merits of the extension or the proposition to extend the contract-labor laws and the immigration laws of the United States to Hawaii, but was addressed to the proposition that to extend the one—in other words, to pass the one bill without passing also the other—would produce great confusion in Hawaii and lead to great embarrassment in the administration of the law, and therefore would be ruinous.

I avail myself of the first opportunity possible to me to place upon the record here my statement that I did injustice to the Senator from Alabama. I hope that will be satisfactory to him, as I would not be willing to do an injustice to any of my brother Senators on any subject.

Mr. CULLOM. I only want to say one word in this connection. I thought at the time the Senator was making the statement that the remarks of the Senator from Alabama were as they are found in the RECORD, and did not apply to the case, as was supposed at that time by the Senator from Wisconsin.

Mr. MORGAN. Mr. President, the bill to which the Senator from Wisconsin [Mr. SPOONER] refers—the bill to repeal all the laws in regard to the importation of labor and to prohibit the further importation of labor—was brought into the Congress just about the time of our adjournment, perhaps two days before the final adjournment. There was no possibility of getting up the general bill which is under consideration now, and which disposes of the whole subject of the government of Hawaii; and I objected to putting in a special clause, which was reported by the Committee on Immigration, I believe, in regard to the labor system of Hawaii, on the ground that it would disconcert the whole system of the law there, and we had not an opportunity to know exactly what the effect of it would be. Such a measure as that, if provided at all, ought to be provided in the general bill; and it was provided in the general bill that all the laws of Hawaii on this subject should be repealed and that the laws of the United States should take effect, which, of course, would introduce there the laws of the United States.

I have always maintained that the act of annexation repealed the laws of Hawaii on the subject of the importation of labor, because that act of annexation in dealing with this question of immigration, as it did in regard to the Oriental peoples, established a public policy under which those laws of Hawaii would necessarily, in my opinion, go down. I did not suppose that we were improving the law really by the provision to repeal the laws of Hawaii that we put into the bill. The real substance of those acts, the provision we have in this bill now for the repeal of those laws, had already been enacted in the act of annexation.

There is an established, fixed policy of the United States against the importation into any part of the United States of contract labor. Whether it is prohibited in a particular spot or not makes no difference; it is a general law; it is a general public policy; and I hold that no man can now import a coolie or any man that is under a contract obligation into the United States, although there might not be a special statute applicable to the particular place. It could not be done, for instance, as was stated, I think, perfectly to-day, in Puerto Rico. Coolie labor could not be lawfully imported into Puerto Rico to-day, although we have no statute on the subject at all, for such importations are contrary to the public policy of the United States as declared in a general system of laws upon that subject.

So I was not only gratified but I was anxious that the labor laws of the United States should be extended over Hawaii. I had been there and I had seen the effect of it, and while it was not at all, apparently, injurious to any Japanese who had come into that country or anyone else, while I could not see that there was any disadvantage to those people in consequence of the labor laws, yet it was a system that our people were opposed to and that our country was opposed to, and I have always advocated the laws for its suppression.

Having been there and having observed the situation of the country, I became aware also of the fact which I have stated on the floor here, without it being contradicted at all, that the great sugar estates in Hawaii, upon which this labor is almost exclusively employed, belong to corporations who were either created

in California or are owned there. Our own people in the United States are the men who are forcing these importations of Japanese. It is not the native Hawaiians or the people who are in control of the government there. They were resisting it so far as they could, and made various modifications in the arrangements and contracts that were made under the existing Hawaiian law. They took them to be laws that were existing. I did not.

So I had no purpose at all in trying to encourage and maintain the importation of Japanese labor into Hawaii under contract. The absurdity of the imputation to me of any such position is this: Japanese have a perfect right to come to the United States or Hawaii or any part of the United States to-day; as much so as a German or a Frenchman. There is no prohibition against their coming here. The only prohibition that operates upon Japan in that connection is that which operates upon every other nation of the world equally. We can import a Japanese laborer without making a contract with him for his service after he gets here. Therefore, I had not any motive at all in undertaking to fill up that country with Japanese laborers. On the contrary, all my impressions were against it.

Mr. SPOONER. All I care for is whether the Senator from Alabama is satisfied with the statement I made.

Mr. MORGAN. I am entirely satisfied.

Mr. FAIRBANKS. Mr. President, I made a similar observation with respect to the attitude of the Senator from Alabama [Mr. MORGAN] that was made by the Senator from Wisconsin [Mr. SPOONER]. My statement was based upon the utterance of the Senator during the debate at the last session. He objected to the consideration of the bill which was in my charge extending the immigration and anti-contract labor laws of the United States to Hawaii. He said in reply to the request to take up the bill:

"I will state that whenever the bill is taken up, I shall undertake to amend it in such way as to try to save those people from ruin in consequence of this legislation, and I will take all the time that it is necessary to do it."

I recalled the other day simply that observation, but since reading the entire debate, I do not think it can be said that he was unfriendly to the ultimate extension of our immigration and anti-contract labor laws to Hawaii. He preferred, possibly, the extension of those laws through his own bill rather than through the one I had in charge.

In this connection, Mr. President, I would like to ask the Senator in charge of this bill whether as amended it provides for the absolute elimination of the contract-labor laws of Hawaii? There should be no ground for doubt upon that proposition. I think we are all agreed that in this legislation we should absolutely destroy, root and branch, the contract-labor system which has maintained in Hawaii; and if the bill does not as it stands at present accomplish that purpose, it should be amended so that it will do so. Sir, the contract-labor system which has existed in the Hawaiian Islands is repugnant to our American institutions and must be eradicated. I dare say that the Senator in charge of the bill has not failed to provide suitable provisions to accomplish this purpose, but I shall be obliged if he will kindly inform us upon the subject.

Mr. CULLOM. In the first place, all the Territorial statutes on this subject are repealed. In the second place, the Senator will find on the eighth and ninth pages of the last print of the bill section 10 and section 10½, the latter being an additional section put in yesterday on the motion of the Senator from South Dakota [Mr. PETTIGREW]. Taking them all together, it seems to me that it is utterly impossible for contract labor to exist in those islands hereafter when this bill takes effect.

Mr. TELLER. Mr. President, I desire to offer the amendment of which I gave notice last night. On page 44, I move to strike out all of section 88 down to and including the word "court," in the fifth line, and to insert in place of it what I send to the desk.

The SECRETARY. Strike out section 88 down to and including the word "court," in line 5, on page 44, and insert in lieu thereof the following:

That there shall be established in said Territory a district court, to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district; and said judge, attorney, and marshal shall hold office for four years, unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court and shall proceed therein in the same manner as a circuit court. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the Ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law.

Mr. TELLER. I wish to say that yesterday I was under the impression that we were providing for more judges than were necessary, but on consultation with some of the members of the committee and the commission who were over there I find it is quite different from what it would be in the contiguous territory. The judges are scattered, necessarily, because of the different islands, and there seems to be in the minds of the commission at least a necessity for this particular judge, who is to be clothed only