Mr. MORGAN. I will say to the Senator that we have extended the laws of the United States over Hawaii.
Mr. ALLEN. You have not extended the exclusion act over the Territory of Hawaii.
Mr. MORGAN. We have extended all the laws of the United States over Hawaii.
Mr. ALLEN. You have not extended the exclusion act to any other territory in our new possessions.
Mr. MORGAN. I beg the Senator’s pardon. He is wrong about it. This bill extends all the laws of the United States over the Hawaiian Territory.
Mr. ALLEN. Is that true, Mr. President, why are not those laws enforced?
Mr. SPOONER. We have not yet extended them. The bill has not been passed by Congress.
Mr. ALLEN. You ought to have extended them. You have had possession of those islands now for pretty nearly two years.
Mr. MORGAN. They have been under the laws of the United States.
Mr. ALLEN. They have not been under the laws of the United States. What laws of the United States have they been under?
Mr. MORGAN. By the act of annexation we continued in force the laws of Hawaii until Congress shall change them. That is a singular reason—most singular.
Mr. MORGAN. It is no reason at all; it is a mere statement of a fact.
Mr. ALLEN. A moment ago I understood the Senator to say that when we annexed those islands there were extended over them by their own force the laws of the United States.
Mr. MORGAN. I did not say that; but by this bill, when it is passed, those laws will be extended.
Mr. ALLEN. When we pass this bill the exclusion act, so the Senator says, is to be extended over those islands.
Mr. MORGAN. Of course it is.
Mr. ALLEN. I fail to find any provision in the proposed law to that effect. The Senator from Alabama mayasseverate it if he sees fit, but there is no difference between the provisions of this bill and the ipse dixit of the Senator from Alabama, or of any other Senator, that it is in the bill by inference or expressly.
Mr. CULLOM. Section 6 provides:
That the laws of Hawaii not inconsistent with the Constitution or laws of the United States shall continue to apply to the Territory as elsewhere in the United States: Provided, That no law or provision shall be made, by or under the authority of that Territory, which shall in any way interfere with or obstruct the administrative or judicial action of the officers of the United States charged with the due execution of the laws of the United States.
Mr. ALLEN. Those are the laws of Hawaii.
Mr. CULLOM. The section proceeds:
Subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.
Then section 5 provides:
That the laws of the United States not locally inapplicable shall have the same force and effect within the said Territory as elsewhere in the United States; Provided, That no law or provision shall be made by or under the authority of the said Territory, which shall in any way interfere with or obstruct the enforcement of the laws of the United States not applicable to the Territory of Hawaii.
Mr. HOAR. From what is the Senator reading?
Mr. CULLOM. That is the subject of section 5, page 3.
Mr. ALLEN. I know it. I am inquiring whether it is “locally inapplicable” or not. Why, Mr. President, there is an unlimited field to guess in. One man will declare a thing locally applicable which another man will declare inapplicable. I believe that hidden beneath that principle of making the exclusion act inapplicable to the islands of Hawaii.
Mr. CULLOM. Mr. President, the commission looked through the United States Revised Statutes and copied them, and also copied from the other Territorial acts.
Mr. ALLEN. There is altogether too much of that kind of work done.
Mr. HOAR. Will the Senator from Nebraska allow me to put him a question, or to make a suggestion, in line with and in support of what he is saying?
Mr. ALLEN. Yes, sir, I will.
Mr. HOAR. I also like to have an explanation of what is meant by the language in section 5:
Except as herein otherwise provided—
That was an amendment put in by the Senate—
the Constitution and all the laws of the United States not locally inapplicable shall have the same force and effect within the said Territory as elsewhere in the United States.
That only extends to the laws of the United States except as “herein otherwise provided.” Then does not section 6 otherwise provide in regard to this very matter? That section says:
That the laws of Hawaii not inconsistent with the Constitution or laws of the United States are to be extended in full, subject to repeals or amendment by the legislature of Hawaii or the Congress of the United States.
Mr. SPOONER. Will the Senator allow me to ask him a question?
Mr. HOAR. Certainly.
Mr. SPOONER. Would not, under that language, any act of Hawaii which permitted contract labor and absolutely unlimited immigration be in conflict with our laws?
Mr. HOAR. That would present the question which I was just about to state when the Senator put his interrogatory to me. Different kinds of immunities and privileges are provided for the people of the United States in their effect in the United States. We have got a law of the United States now which does not extend to Hawaii. That is clear. The Hawaiian laws now existing are not inconsistent with the laws of the United States, because the United States has no law in existence which does not extend to Hawaii, but it relates to all.
Let us see. Would not section 6 maintain and preserve the Hawaiian law? All of this can be made clear by a phrase, if it is necessary, because the meaning of the committee is undoubtedly. You have got, in other words, two systems of laws. The United States law extending to the United States, and the Hawaiian laws extending to Hawaii. They are not inconsistent with each other, because they relate to different territorial spots on the earth’s surface. Is it, then, sufficient to abolish one of those by saying that the laws of the United States are now to have force and effect within that Territory “except as herein otherwise provided”? There is something in substance, herein otherwise provided that a particular Hawaiian law shall continue. I am dealing with a very narrow question of phraseology; but it seems to me there is not any doubt about it.
Mr. ALLEN. Mr. President.
Mr. HOAR. I beg the Senator’s pardon, but my interruption was in support of what he was saying.
Mr. ALLEN. I am dealing with the general proposition that the ports of those islands are open to unrestricted and unlimited immigration.
Mr. SPOONER. Under this bill?
Mr. ALLEN. That they will be under this bill.
Mr. CULLOM. The Senator is entirely mistaken.
Mr. ALLEN. I may be mistaken, and, if so, it will not be the first time in my life I have been. I hope I may be mistaken, but I do not want to see the character of citizenship of this country or the rights of citizenship of any part of those people to which we are adding by the annexation of the United States debased. I think I am liberal in my views on immigration laws. I am in favor of the most liberal laws for the reception of people of kindred tongues and races who come to our country and become a portion of our people—an assimilable class of people. I am in favor of that class and all others, and for that class of people, and from them, Mr. President, in the past we have received great aid.
The German, the Irishman, the Bohemian, the Englishman, the Scotchman, the Frenchman, the Swede, the Scandinavian, and all those kindred classes of people have added mightily to the wealth, the intelligence, and the glory of our country.
But, Mr. President, we have come out to the Sandwich Islands and have annexed to ourselves, inseparably I suppose, a class of people upon whom seems to rest the curse of God, and now we propose to use the Sandwich Islands as a stepping-stone or as a door giving entrance, and unrestricted entrance, to all classes—people of kindred tongues and races who come to our country and become a portion of our people—but not the kindred classes which by annexation have been added to and have added mightily to the wealth, the intelligence, and the glory of our country.
I shall vote against this bill from top to bottom. I shall not criticize it unnecessarily, I think. I do not intend to do so, at least; but it is a slipshod affair. To speak of it in respectful terms, it is crude, ungrammatical, not properly constructed in any respect, and is not worthy of notice, but nevertheless it is probably in keeping with the majority of bills that come before the Senate for final passage in those respects.
But the thing I object to most of all, Mr. President, is the wild, unrestrained dream for power, to acquire somebody, to get hold of somebody, to obtain some nationalities by the annexation of a territory or not, or not.
Have we reached that period in the history of our country that all of its glories and its sacred institutions must go down in dust that we may extend our commerce, as I heard the Senator from South Carolina [Mr. McLaurin] argue this afternoon? The Constitution of the United States is based upon the idea of nationalities and the decisions of the Supreme Court construing the Constitution throughout the history of our nation have no force, according to their opinion. The whole course of our nation, which has been to build up a strong domestic government and keep us free from alliances that will bring about nothing but contamination, and to continue to have the same power in the United States.