It turned out to be a serious evil, because the influences which
started this labor business in Hawaii have pressed it entirely too
far. But now we propose to extend this act so as to repeal all
these laws. It is a positive repeal of all those laws; and also we
extend over those islands the laws and Constitution of the United
States in full force, so that there is not a shred of a contract
standing upon the books of the Hawaiian Islands.

There were contracts in existence there at the time of
annexation, but the labor contracts were not preserved, because
they were opposed to the policy of the United States declared in
law, and no contract which is opposed to the public policy of the
United States Government as declared by the law can be valid
under the provisions of this act.

But contracts have been made since, and the amendment of
the Senator from Massachusetts, I believe, invalidates those contracts.
That amendment in its present form is an outrage upon the Consti-
tution of the United States, as the United States Government has
not made any contracts in Hawaii with companies in Japan for the
purpose of importing labor. Those contracts can not be, or ought not to be,
invalidated by any act of Congress. So far as the Japanese
citizen is concerned, he ought not to be subjected to the laws
which were not in force at the time those contracts were made.
But so far as the contract itself is concerned, how can we afford
to say that contracts which were valid, made since the 12th day of August,
1898, shall be made invalid by the operation of positive law?

There we are cutting into the arrangements of those men, not in
Hawaii, but chiefly in California, and who caused those contracts
to be made.

We are cutting into them in such a way as would be utterly
disastrous if we had any power to do it. We are merely raising
questions that we have no power to stop, and we must do so
after the 12th of August. When the United States, when it comes
to the Senate, and finds himself bound by this gag amendment
at the bottom, will hold that the Constitution of the United
States operates as a prohibition upon Congress to invalidate any contract
that was valid at the time it was made, I think so. That is a point which has never been exactly decided, but it certainly has not been decided against the proposition I admit.

Mr. MORGAN. Will the Senator from Alabama allow me?

Mr. MORGAN. Certainly.

Mr. SPOONER. Does the Senator understand that it is a
fundamental principle of equity jurisprudence that the specific
remedy of a contract for personal service will not be enforced
by a court of equity?

Mr. MORGAN. You cannot enforce the specific performance
of a contract by personal service in any court.

Mr. SPOONER. That is right. That is one branch of the
amendment.

Mr. MORGAN. Only one branch, and that I am in favor of.

Mr. SPOONER. Let me ask the Senator another question.

Mr. MORGAN. Yes, sir.

Mr. SPOONER. Is it in harmony with our sense of right
and every of government that a violation of a contract for personal
service shall be criminally punished?

Mr. MORGAN. Not at all. I opposed all those laws in
the South.

Mr. SPOONER. That is the second branch of the amendment?

Mr. MORGAN. Yes.

Mr. SPOONER. And the two are all that is embraced in
the amendment offered by the Senator from Massachusetts.

Mr. MORGAN. No; I think not. I think the amendment of
the Senator from Massachusetts is in relation to the subject of the
importation of labor under contract.

There are some of them, I think, of very great magnitude, the
largest of them, the most important of them, held in California.

Mr. CHILTON. It would be constitutional to interfere with
contracts so far as future importation of labor is concerned?

Mr. MORGAN. No. That is cut off because the laws of
the United States prohibit it absolutely.

Mr. CHILTON. That is right.

Mr. MORGAN. It is not only a void act, but a criminal act
under the laws of the United States.

Mr. CHILTON. So, even if contracts existed, they could be
interfered with to that extent at least?

Mr. MORGAN. Oh, yes. As this bill leaves the laws of
the United States and Hawaii no man has any more right to import
Japanese into Hawaii under a contract than he has to import a
Frenchman into Maine or Massachusetts under a
contract to labor.

Mr. SPOONER. That statement I think is true, but that follows
from the bill. It does not follow from the amendment
offered by the Senator from Massachusetts.

I think the amendment of the Senator from Massachusetts
goes very much further and seeks to make a Congression-
ally invalidation of contracts for personal service held in
those islands.

Mr. SPOONER. If the Senator will permit me, the amendment
provides that no proceeding shall be maintained specifically to