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EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 11 1974

APPROVED

OCT 20 1974

Porter (Oklahoma)
10/22

To Archie
10/21

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2220 - Repeal of "cooly trade" laws
Sponsor - Sen. Fong (R) Hawaii and 4 others

Last Day for Action

October 21, 1974 - Monday

Purpose

To repeal "cooly trade" laws which are no longer necessary.

Agency Recommendations

Office of Management and Budget	Approval
Department of State	Approval (Informally)
Department of Justice	No objection
Commission on Civil Rights	No objection (Informally)

Discussion

The "cooly trade" laws were enacted in 1862 and 1875 to correct the practice of exploiting Chinese, Japanese, and other "oriental persons." At that time such persons were procured abroad for importation into the United States under labor contracts. The practice violated individual rights and upset working conditions in areas to which the people were imported.

In reporting on this legislation, the Department of Justice made the following pertinent comment:

"The statutes in question are outmoded and have no usefulness; the problems which caused their enactment no longer exist. This bill would be an expression by



Congress of a realization of that fact and removal of the statutes from the books would be in the interest of better understanding between the United States and Oriental countries."

A handwritten signature in cursive script, appearing to read "Alfred W. Kimmel".

Assistant Director for
Legislative Reference

Enclosures

Department of Justice
Washington, D. C. 20530

OCT 11 1974

Honorable Roy L. Ash
Director, Office of
Management and Budget
Washington, D. C. 20503

Dear Mr. Ash:

In compliance with your request, I have examined a facsimile of the enrolled bill S. 2220, "To repeal the 'cooly trade' laws."

S. 2220 would repeal sections 2158-2163 of the Revised Statutes, and sections 1, 2, and 4 of the Act of March 3, 1875, 8 U.S.C. 331-339, which are commonly known as "cooly trade" laws. These laws are penal in nature and prohibit the procuring, transportation, disposition, sale or transfer of Oriental persons for the purpose of holding them in service as servants or apprentices. The statutes in question are outmoded and have no usefulness; the problems which caused their enactment no longer exist. This bill would be an expression by Congress of a realization of that fact and removal of the statutes from the books would be in the interest of better understanding between the United States and Oriental countries.

The Department of Justice has no objection to the enactment of this legislation.

Sincerely,



W. Vincent Rakestraw
Assistant Attorney General



THE WHITE HOUSE

ACTION

WASHINGTON

Last Day - October 21

October 18, 1974

MEMORANDUM FOR:

THE PRESIDENT

FROM:

KEN COLE

SUBJECT:

Enrolled Bill S. 2220

Repeal of "cooly trade" laws

Attached for your consideration is Senate bill, S. 2220, sponsored by Senator Fong, for repeal of the "cooly trade" laws which are no longer necessary.

Roy Ash recommends approval and provides you with background information in his enrolled bill report (Tab A).

We have checked with the Counsel's office (Chapman), the NSC, and Bill Timmons who also recommend approval.

RECOMMENDATION

That you sign Senate bill S. 2220 (Tab B).



DEPARTMENT OF STATE

Washington, D.C. 20520

OCT 15 1974

Honorable Roy L. Ash
Director
Office of Management
and Budget
Washington, D. C.

Dear Mr. Ash:

I refer to the request of October 9, 1974, from Mr. Rommel of your Office for the Department's views on the enrolled bill S.2220, "An act to repeal the 'coolly trade' laws."

This bill would repeal certain provisions, codified in 8 U.S.C. 331-339, which relate to the regulation of the conditions of importation of Chinese "coolly labor" into the United States and which were rendered obsolete many years ago by subsequent legislation. The Department views these obsolete provisions of law as an anachronistic remnant of the racially discriminatory immigration policy followed by the United States in former times and recommends that the President approve this enrolled bill.

Since the provisions are obsolete and have not been implemented for many years, their existence requires no expenditure of funds and their repeal would neither increase nor decrease expenditures in any way.

Cordially,

A handwritten signature in cursive script, appearing to read "Linwood Holton".

Linwood Holton
Assistant Secretary for
Congressional Relations



UNITED STATES COMMISSION ON CIVIL RIGHTS
WASHINGTON, D.C. 20425

STAFF DIRECTOR


OCT 11 1974

Mr. W. H. Rommel
Assistant Director
for Legislative Reference
Office of Management & Budget
Washington, D.C. 20530

Dear Mr. Rommel:

Please find enclosed, in response to your request of October 10, the position of the U.S. Commission on Civil Rights on S. 2220. The Commission expressed its views one year ago in a letter to Mr. Skidmore on the proposed repeal of the "cool trade laws." Our view remains the same and we favor passage of S. 2220.

Sincerely,


JOHN A. BUGGS
Staff Director

Enclosure

OCT 10 1973

Mr. William V. Skidmore
Assistant Director for
Legislative Reference
Office of Management & Budget
Washington, D. C. 20530

Dear Mr. Skidmore:

This letter is in response to your request of September 14, 1973, for comment on S. 2220, "A bill to repeal the 'coolly trade' laws." The U.S. Commission on Civil Rights favors the objectives of this bill and supports its passage in the Congress.

The protective features of the "coolly trade" law have been superceded by more recent civil rights laws, making these portions of the United States Code superfluous. In addition, repeal of the "coolly trade" laws would end the discriminatory regulations imposed upon voluntary emigrants by the 1875 Act. The law currently requires special consular inquiry to determine the free and voluntary nature of immigration from certain Asian countries in contravention of laws which prohibit discrimination in immigration on the basis of race or national origin.

Thus, in the Commission's view, passage of S. 2220 would serve to end a discriminatory policy of the U.S. Government and as such, we have no objections to the bill.

Sincerely,

JOHN A. BUGGS
Staff Director

Buggs/Blakey/ph/10-9-73

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 11 1974

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6 PM
10/11/74

MEMORANDUM FOR THE PRESIDENT

**Subject: Enrolled Bill S. 2220 - Repeal of "coolie trade" laws
Sponsor - Sen. Fong (R) Hawaii and 4 others**

Last Day for Action

October 21, 1974 - Monday

Purpose

To repeal "coolie trade" laws which are no longer necessary.

Agency Recommendations

Office of Management and Budget

Approval

Department of State

Approval (Informally)

Department of Justice

No objection

Commission on Civil Rights

No objection

Discussion

The "coolie trade" laws were enacted in 1862 and 1875 to correct the practice of exploiting Chinese, Japanese, and other "oriental persons." At that time such persons were procured abroad for importation into the United States under labor contracts. The practice violated individual rights and upset working conditions in areas to which the people were imported.

In reporting on this legislation, the Department of Justice made the following pertinent comment:

"The statutes in question are outmoded and have no usefulness; the problems which caused their enactment no longer exist. This bill would be an expression by

Congress of a realization of that fact and removal of the statutes from the books would be in the interest of better understanding between the United States and Oriental countries."

(signed) **Wilfred H. Roumel**

**Assistant Director for
Legislative Reference**

Enclosures

THE WHITE HOUSE
WASHINGTON

10/11/74

TO: W. Handrick


John J. Ratchford

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO. 658

Date: October 15, 1974

Time: 10:00 a.m.

FOR ACTION: Geoff Shepard
✓ Phil Buchen
✓ Bill Timmons
✓ NSC/S

cc (for information): Warren K. Hendriks
Jerry Jones
Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: October 17, 1974

Time: 2:00 p.m.

SUBJECT: Enrolled Bill S. 2220 - Repeal of "coolly trade" laws

ACTION REQUESTED:

___ For Necessary Action

XX For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

___ For Your Comments

___ Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 658

Date: October 15, 1974

Time: 10:00 a.m.

FOR ACTION: Geoff Shepard
Phil Buchen
Bill Timmons
NSC/S

cc (for information): Warren K. Hendriks
Jerry Jones
Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: October 17, 1974

Time: 2:00 p.m.

SUBJECT: Enrolled Bill S. 2220 - Repeal of "cooly trade" laws

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

*No objection
10. C.*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

THE WHITE HOUSE

WASHINGTON

October 16, 1974

MEMORANDUM FOR: MR. WARREN HENDRIKS

FROM: WILLIAM E. TIMMONS *PA*

SUBJECT: Action Memorandum - Log No. 658
Enrolled Bill S. 2220 - Repeal of
"Cooly Trade" laws

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

ACTION

Last Day - October 31

October 18, 1974

MEMORANDUM FOR: THE PRESIDENT
FROM: KEN COLE
SUBJECT: Enrolled Bill S. 2220
Repeal of "cooly trade" laws

Attached for your consideration is Senate bill, S. 2220, sponsored by Senator Feag, for repeal of the "cooly trade" laws which are no longer necessary.

Roy Ash recommends approval and provides you with background information in his enrolled bill report (Tab A).

We have checked with the Counsel's office (Chapman), the NSC, and Bill Timmons who also recommend approval.

RECOMMENDATION

That you sign Senate bill S. 2220 (Tab B).

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 658

Date: October 15, 1974

Time: 10:00 a.m.

FOR ACTION: Geoff Shepard
Phil Buchen
Bill Timmons
NSC/S

cc (for information): Warren K. Hendriks
Jerry Jones
Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: October 17, 1974

Time: 2:00 p.m.

SUBJECT: Enrolled Bill S. 2220 - Repeal of "cooly trade" laws

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

File

no objct - 10/18

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 11 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2220 - Repeal of "cooly trade" laws
Sponsor - Sen. Fong (R) Hawaii and 4 others

Last Day for Action

October 21, 1974 - Monday

Purpose

To repeal "cooly trade" laws which are no longer necessary.

Agency Recommendations

Office of Management and Budget	Approval
Department of State	Approval (Informally)
Department of Justice	No objection
Commission on Civil Rights	No objection (Informally)

Discussion

The "cooly trade" laws were enacted in 1862 and 1875 to correct the practice of exploiting Chinese, Japanese, and other "oriental persons." At that time such persons were procured abroad for importation into the United States under labor contracts. The practice violated individual rights and upset working conditions in areas to which the people were imported.

In reporting on this legislation, the Department of Justice made the following pertinent comment:

"The statutes in question are outmoded and have no usefulness; the problems which caused their enactment no longer exist. This bill would be an expression by

Congress of a realization of that fact and removal of the statutes from the books would be in the interest of better understanding between the United States and Oriental countries."



Assistant Director for
Legislative Reference

Enclosures

Department of Justice
Washington, D.C. 20530

OCT 11 1974

Honorable Roy L. Ash
Director, Office of
Management and Budget
Washington, D. C. 20503

Dear Mr. Ash:

In compliance with your request, I have examined a facsimile of the enrolled bill S. 2220, "To repeal the 'cooly trade' laws."

S. 2220 would repeal sections 2158-2163 of the Revised Statutes, and sections 1, 2, and 4 of the Act of March 3, 1875, 8 U.S.C. 331-339, which are commonly known as "cooly trade" laws. These laws are penal in nature and prohibit the procuring, transportation, disposition, sale or transfer of Oriental persons for the purpose of holding them in service as servants or apprentices. The statutes in question are outmoded and have no usefulness; the problems which caused their enactment no longer exist. This bill would be an expression by Congress of a realization of that fact and removal of the statutes from the books would be in the interest of better understanding between the United States and Oriental countries.

The Department of Justice has no objection to the enactment of this legislation.

Sincerely,



W. Vincent Rakestraw
Assistant Attorney General

Calendar No. 779

93D CONGRESS }
2d Session }

SENATE }

REPORT
No. 93-812

REPEALING THE "COOLY TRADE" LAWS

MAY 2, 1974.—Ordered to be printed

Mr. FONG, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 2220]

The Committee on the Judiciary, to which was referred the bill (S. 2220) to repeal the "cooly trade" laws, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to repeal the "cooly trade" laws which prohibit the procuring, transportation, disposition, sale, or transfer of Oriental persons as servants or apprentices, or to be held to service or labor (8 U.S.C. 331-339).

STATEMENT

The "cooly trade" laws were enacted by Congress in 1862 and 1875 to correct the then increasingly prevalent practice of exploitation of oriental persons, particularly Chinese and Japanese, involving their procurement abroad for importation into the United States under contracts of servitude. These practices resulted not only in the violation of the individual rights of the persons so recruited, but also were disruptive to the working conditions in the areas into which they were imported.

The circumstances which prompted the "coolly trade" legislation have long since ceased to be prevalent in the fact of changes in the social, economic, and political conditions in the United States and abroad. The continued existence of the "coolly trade" laws is also inconsistent with the later policies of the Congress under which other statutes singling out Oriental peoples have been repealed or modified by progressive amendments to the immigration laws.

The "coolly trade" legislation currently serves no useful purpose in view of general civil rights legislation. It also presents an unnecessary and disparaging reminder of a past historical period which potentially could be the cause of misunderstanding as to the present relationships between the people of the United States and the people of Oriental countries.

The following reports from the Acting Assistant Attorney General dated December 5, 1973, and from the Assistant Secretary for Congressional Relations, U.S. Department of State, dated November 8, 1973, to the chairman of the Senate Committee on the Judiciary with reference to the bill read as follows:

DEPARTMENT OF JUSTICE,
Washington, D.C., December 5, 1973.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on S. 2220, a bill "To repeal the 'coolly trade' laws."

This bill would repeal sections 2158-2163 of the Revised Statutes, and sections 1, 2, and 4 of the Act of March 3, 1875, 8 U.S.C. 331-339, which are commonly known as "coolly trade" laws. These laws are penal in nature and prohibit the procuring, transportation, disposition, sale or transfer of Oriental persons for the purpose of holding them in service as servants or apprentices. The statutes in question are outmoded and have no usefulness; the problems which caused their enactment no longer exist. This bill would be an expression by Congress of a realization of that fact and removal of the statutes from the books would be in the interest of better understanding between the United States and Oriental countries.

The Department of Justice has no objection to the enactment of this legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

PATRICK M. MCSWEENEY,
Acting Assistant Attorney General.

NOVEMBER 8, 1973.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of August 1, 1973, enclosing for the Department's study and report a copy of S. 2220, "A bill to repeal the 'cooly trade' laws."

The Department favors the objectives of this bill. General United States civil rights laws, particularly those prohibiting peonage, make the protective features of the "cooly trade" laws no longer necessary. The requirement of those laws for special consular inquiry to determine the free and voluntary nature of immigration from certain areas of the world is discriminatory and inconsistent with the abolition by the Act of October 3, 1965, of discrimination in immigration generally on the basis of race or national origin.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of this report.

Sincerely yours,

MARSHALL WRIGHT,
Assistant Secretary
for Congressional Relations.

RECOMMENDATION

The committee, after consideration of all the facts, is of the opinion that the bill (S. 2220) should be enacted.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new material is printed in italic, while existing law in which no change is proposed is shown in roman):

SECTIONS 2158, 2159, 2160, 2161, 2162, AND 2163, REVISED STATUTES

[SEC. 2158. No citizen of the United States, or foreigner coming into or residing within the same, shall, for himself or for any other person, either as master, factor, owner, or otherwise, build, equip, load, or otherwise prepare, any vessel, registered, enrolled, or licensed, in the United States for the purpose of procuring from any port or place the subjects of China, Japan, or of any other Oriental country, known as "coolies," to be transported to any foreign port, or place, to be disposed of, or sold, or transferred, for any time, as servants or apprentices, or to be held to service or labor.

[SEC. 2159. If any vessel, belonging in whole or in part to a citizen of the United States, and registered, enrolled, or otherwise licensed therein, be employed in the "cooly-trade," so called, contrary to the provisions of the preceding section, such vessel, her tackle, apparel, furniture, and other appurtenances, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the district courts of the United States for the district where the vessel may be found, seized, or carried.

【SEC. 2160. Every person who so builds, fits out, equips, loads, or otherwise prepares, or who sends to sea, or navigates, as owner, master, factor, agent, or otherwise, any vessel, belonging in whole or in part to a citizen of the United States, or registered, enrolled, or licensed within the same, knowing or intending that such vessel is to be or may be employed in that trade, contrary to the provisions of section twenty-one hundred and fifty-eight, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding one year.

【SEC. 2161. Every citizen of the United States who, contrary to the provisions of section twenty-one hundred and fifty-eight, takes on board of any vessel, or receives or transports any such subjects as are described in that section, for the purpose of disposing of them in any way as therein prohibited, shall be liable to a fine not exceeding two thousand dollars and be imprisoned not exceeding one year.

【SEC. 2162. Nothing herein contained shall be deemed to apply to any voluntary emigration of the subjects specified in section twenty-one hundred and fifty-eight, or to any vessel carrying such person as passenger on board the same, but a certificate shall be prepared and signed by the consul or consular agent of the United States residing at the port from which such vessel may take her departure, containing the name of such person, and setting forth the fact of his voluntary emigration from such port, which certificate shall be given to the master of such vessel; and the same shall not be given until such consul or consular agent is first personally satisfied by evidence of the truth of the facts therein contained.

【SEC. 2163. The President is empowered, in such way and at such time as he may judge proper, to direct the vessels of the United States, and the masters and commanders thereof, to examine all vessels navigated or owned in whole or in part by citizens of the United States, and registered, enrolled, or licensed under the laws thereof, whenever, in the judgment of such master or commanding officer, reasonable cause exists to believe that such vessel has on board any subjects of China, Japan, or other oriental country, known as "coolies;" and upon sufficient proof that such vessel is employed in violation of the preceding provisions, to cause her to be carried, with her officers and crew, into any port or district within the United States, and delivered to the marshal of such district, to be held and disposed of according to law.】

SECTIONS 1, 2, AND 4 OF THE ACT OF MARCH 3, 1875 (CH. 141, 18 STAT. 477)

【That, in determining whether the immigration of any subject of China, Japan, or any Oriental country, to the United States, is free and voluntary, as provided by section two thousand one hundred and sixty-two of the Revised Code, title "Immigration," it shall be the duty of the consul general or consul of the United States residing at the port from which it is proposed to convey such subjects, in any vessels enrolled or licensed in the United States, or any port within the same, before delivering to the masters of any such vessels the permit or certificate provided for in such section, to ascertain whether such immigrant has entered into a contract or agreement for a term

of service within the United States, for lewd and immoral purposes; and if there be such contract or agreement, the said consul general or consul shall not deliver the required permit or certificate.

[SEC. 2. That if any citizen of the United States, or other person amenable to the laws of the United States, shall take, or cause to be taken or transported, to or from the United States any subject of China, Japan, or any Oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, such citizen or other person shall be liable to be indicted therefor, and, on conviction of such offense, shall be punished by a fine not exceeding two thousand dollars and be imprisoned not exceeding one year; and all contracts and agreements for a term of service of such persons in the United States, whether made in advance or in pursuance of such illegal importation, and whether such importation shall have been in American or other vessels, are hereby declared void.

[SEC. 4. That if any person shall knowingly and willfully contract, or attempt to contract, in advance or in pursuance of such illegal importation, to supply to another the labor of any cooly or other person brought into the United States in violation of section two thousand one hundred and fifty-eight of the Revised Statutes or of any other section of the laws prohibiting the cooly trade or of this act, such person shall be deemed guilty of a felony, and, upon conviction thereof, in any United States court, shall be fined in a sum not exceeding five hundred dollars and imprisoned for a term not exceeding one year.]

○

Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

To repeal the "cooly trade" laws.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That sections 2158–
2163, Revised Statutes, and sections 1, 2, and 4 of the Act of March 3,
1875 (ch. 141, 18 Stat. 477) (8 U.S.C. 331–339), are hereby repealed.*

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

October 9, 1974

Dear Mr. Director:

The following bills were received at the White House on October 9th:

S.J. Res. 123 ✓
S. 1794 ✓
S. 2220 ✓
S. 3362 ✓

H.R. 7954 ✓
H.R. 9054 ✓
H.R. 11537 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C.