John Bigler grew up in Pennsylvania and worked as a newspaper editor and lawyer before moving to California in 1849. He immediately entered politics as a Democrat and just two years later won a close election to become the third governor of California. Among his initiatives was the adoption of a heavy tax on Chinese miners, which was later expanded to all Chinese immigrants arriving in California ports. He became the first California governor to win re-election to a second term, defeating both a Whig and a pro-slavery faction within his own Democratic Party. He was denied a third term of office when he lost to a nativist candidate.

In the years after gold was discovered in California, the population of the new state grew dramatically. Chinese were among those migrants to the Golden State, which spurred a backlash from white Californians. The conflict between nativist and pro-Chinese forces continued in California for several decades, until the nativists gained the upper hand in the Gilded Age and passed the first significant federal restriction on immigration with the Chinese Exclusion Act of 1882. In this address to the state legislature, Bigler called for restrictions on Chinese immigration into the state.

The subject which I deem it my duty to present for your consideration before our final separation, is the present wholesale importation to this country, of immigrants from the Asiatic quarter of the globe. I am deeply impressed with the conviction that, in order to enhance the prosperity and to preserve the tranquility of the State, measures must be adopted to check this tide of Asiatic immigration, and prevent the exportation by them of the precious metals which they dig up from our soil without charge, and without assuming any of the obligations imposed upon citizens. I allude, particularly, to a class of Asiatics known as “Coolies,” who are sent here, as I am assured, and as is generally believed, under contract to work in our mines for a term; and who, at the expiration of the term, return to their native country. I am sensible that a proposition to restrict international intercourse, or to check the immigration of even Asiatics, would appear to conflict with the long cherished benevolent policy of our Government. That Government has opened its paternal arms to the “oppressed of all nations,” and it has offered them an asylum and a shelter from the iron rigor of despotism. The exile pilgrim and the weary immigrant, have been recipients of its noble hospitalities. In this generous policy, so far as it effects Europeans, or others capable of becoming citizens under our laws, I desire to see no change; nor do I desire to see any diminution of that spirit of liberality which pervades the naturalization laws of the United States.

A question around which there has been thrown some doubts, is whether Asiatics could, with safety, be admitted to the enjoyments of all the rights of citizens in our Courts of Justice. If they are ignorant of the solemn character of the oath or affirmation, in the form prescribed by the Constitution and Statutes, or if they are indifferent to the solemn obligation which an oath imposes to speak the

\[1\] Excerpt taken from *Journal of the Senate of the State of California* (April 23, 1852): 373.
truth, it would be unwise to receive them as jurors or permit them to testify in courts of law, more especially in cases affecting the rights of others than Asiatics.

Congress, possessing the exclusive power to establish a uniform rule of naturalization, has enacted that "every alien, being a free white person, may become a citizen of the United States," by complying with certain conditions. Of the construction of this law, Chancellor Kent remarks, that the Act of Congress confines the description of Aliens capable of naturalization to free white persons. "I presume," continues the learned writer, that this excludes the inhabitants of Africa and their descendants; and it may become a question, to what extent persons of mixed blood are excluded, and what shades and degrees of mixture of color disqualify an alien from applications for the benefits of the Act of naturalization. Perhaps there might be difficulties, also, as to the copper-colored natives of America, or the yellow or tawny races of the Asiatics; and it may well be doubted whether any of them are white persons in the purview of the law.

It is certain that no Asiatic has yet applied for, or has received the benefits of this Act. Indeed, I am not aware that a single subject of the Chinese Empire ever acquired a residence or a domicil in any of the States of the Union, except, perhaps, in this. In this State their habits have been migratory; and so far as I can learn, very few of them have evinced a disposition to acquire a domicil, or, as citizens, to identify themselves with the country. Gold, with a talismanic power, has overcome these national habits of reserve and non-intercourse which the Chinese and their neighbors have hitherto exhibited; and under the impulse which the discovery of the precious metals in California has given to their cupidity, vast numbers of them are immigrating hither, not, however, to avail themselves of the blessings of a free Government. They do not seek our land as "the asylum for the oppressed of all nations." They have no desire (even if permitted by the constitution and laws) to absolve themselves from allegiance to other powers, and, under the laws of the United States, become American citizens. They come to acquire a certain amount of the precious metals, and then return to their native country.

I invite your attention, for a moment, to results which may ensue, if by inaction we give further encouragement to the mania for emigration which pervades several of the Asiatic States, and which it may be presumed, is being rapidly diffused throughout all continental Asia. The area of Asia is 17,865,000 English square miles, and the total population is computed by the best authorities at three hundred and seventy-five millions two hundred and thirty thousand. The population of the Chinese Empire and dependent States alone is 168,000,000. It will be readily perceived that millions might be detached from such myriads, without any perceptible diminution of the aggregate population; and that vast numbers may be induced, under contracts, to emigrate to a country which they are told contains inexhaustible mines of gold and silver. The facilities afforded them for emigration are rapidly increasing, and few vessels now enter our ports from Asiatic countries which are not crowded with these peculiar people.

I have mentioned in the preceding portion of this communication, that numbers of Asiatics have been and are being sent here, under contracts to labor for a term of years in our mines at merely nominal wages, and their families have been retained as hostages for the faithful performances of the contracts. If this intelligence is correct, it may well be doubted whether such contracts should be recognized or enforced within the limits of the State.

The cases which form an exception to the rule as to the universal validity of contracts, have been classified by eminent legal authorities. Among those enumerated are contracts to corrupt or evade the due administration of justice; contracts to cheat public agents, or to defeat the public rights; contracts which are opposed to the national policy and institutions; and, in short, all contracts which, in their own nature are founded in moral turpitude, and are inconsistent with the good order and solid interests of society. All such contracts, even thought they might be held valid in the country where they are made, would be held void elsewhere, or at least ought to be, if the dictate of Christian morality, or
even of natural justice, are allowed to have their due force and influence in the administration of
international jurisprudence. There cannot be a reasonable doubt that contracts made in China, with the
subjects of the Empire, by their own countrymen, or by resident foreigners, for the performance of work
and labor within the State of California, come within the class of contracts here enumerated, as
exceptions to the rule in respect to the universal validity of contracts. . . .

If it is admitted that the introduction of one hundred thousand, or a less number of “Coolies”
into this State, under such contracts with non-residents, may endanger the public tranquility and
injuriously affect the interests of our people, then we are bound to adopt measures to avert such evils. I
therefore respectfully submit for your consideration two distinct propositions:

1st. Such an exercise of the taxing power by the State as will check the present system of
indiscriminate and unlimited Asiatic immigration.

2d. A demand by the State of California for the prompt imposition of Congress, by the passage
of an Act prohibiting “Coolies” shipped to California under contracts, from laboring in the mines of this
State. . . .

. . .

It must be conceded that the extraordinary wants of this State will demand novel if not
extraordinary legislation. The history and condition of California is peculiar—it is without parallel. Her
resources, like her exigencies, are without precedent. In framing laws, therefore, to meet such
exigencies, it is clear that we cannot be guided entirely by precedents which have been established in
the common course of events in other States. But, though our condition may sometimes require
departures from precedents in the enactment as well as in the execution of laws, we should not fail to
follow the Constitution, both as our chart and as a palladium of our liberties.

. . .