VOLUME 2/20: H.D. WILSON, _____, JAPANESE IMMIGRATION AND COLONIZATION, SACRAMENTO: JAMES MC CLATCHY & CO. 1921.

Japanese Immigration and Colonization

BRIEF

Prepared For Consideration of the

STATE DEPARTMENT

BY

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BRIEF PREPARED FOR THE DEPARTMENT OF STATE, AT WASHINGTON, D. C., ON BEHALF OF THE JAPANESE EXCLUSION LEAGUE OF CALIFORNIA — IN SUPPORT OF THE DECLARATION OF PRINCIPLES OF SUCH LEAGUE, AS APPROVED BY THE CALIFORNIA LEGISLATURE — IN THE MATTER OF MENACE TO THE NATION, THREATENED BY JAPANESE IMMIGRATION AND COLONIZATION, AND THE NECESSARY REMEDIES.

Section 1. This is a brief on the subject of Japanese immigration, and national problems connected therewith, offered on behalf of the Japanese Exclusion League of California, for information of the Secretary of State, in accordance with letter to him of June 23rd, 1921.

*Sec. 2. This brief is merely a statement of facts, carefully digested and logically arranged, with an indication of their relation to each other and justifiable deductions drawn therefrom, coupled with an explanation of the position occupied and actions taken and contemplated by the people of California in connection therewith. The brief need not, therefore, be considered a confidential communication by the State Department, and may be used by it in any way deemed proper. The Exclusion League will exercise a similar discretion.

*Sec. 3. This brief is offered with the earnest conviction on the part of the People of California that the facts herein stated are accurately set forth; that they have been, or can be, demonstrated to the satisfaction of any competent, intelligent, and unprejudiced tribunal which will give the necessary time and attention to

* Paragraphs marked (*) did not appear in Preliminary Skeleton Brief.

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investigation; that they offer conclusive evidence of a grave and imminent danger, not only to California and the Pacific Coast States, but to the Nation itself; that the legislation enacted by California and other States, under constitutional authority and in accordance with the terms of existing treaties, is wise and necessary; and that immediate federal action along other lines suggested should be taken, if serious complications are to be averted.

*Sec. 4. Entertaining the conviction above noted, and feeling that a public duty to the Nation is being performed by her, California hopes that the State Department will regard her as enacting in this matter the part of an ally in national defense, in good faith, and with a desire to co-operate, if possible, with the State Department and the Federal Administration. She trusts the State Department will not assume that her position in any phase of the question is wrong, or unwarranted, until it has conclusively determined the incorrectness of the statement of facts as herein presented, or the lack of foundation for the conclusions drawn therefrom, and has called attention to, and invited further information upon points of the brief as to which the evidence or reasoning seems to be defective.

Sec. 5. This brief is to be considered in conjunction with letters to the Secretary of State, May 6th, May 11th, May 31st, and June 23rd, 1921; and to the Chief of the Far Eastern Division of the Department of State, May 3rd, 5th, and 6th, 1921; and also with various data and documents in the hands of the Chief of the Far Eastern Division; and with exhibits hereto attached or herein referred to.

*Sec. 6. This brief is offered in support, explanation and substantiation of the Declaration of Principles of the Japanese Exclusion League of California, as unanimously endorsed by the Legislature of California, April 12th and 13th, 1921, and presented for consideration to the State Department, in an interview had with the Secretary of State May 6th, 1921.

Sec. 7. Exhibit I, accompanying this brief, is a certified copy of Senate Resolution No. 26, unanimously passed by both houses of the Legislature of California, endorsing the Declaration of Principles of the Japanese Exclusion League of California, and asking the Federal Government to adopt a policy in harmony therewith, as a protection against the steadily growing menace of Japanese immigration. The resolution, as passed, unfortunately omitted the words "and statutes" after the word "Constitution" in the last line of the first paragraph of Section "Third," which words are in the Declaration of Principles as adopted by the League, and are necessary to a correct statement of the facts.

Sec. 8. Sections "First," "Second," and "Third" of the Declaration, deal with the national phases of the question, and the policy which it is claimed should be followed in regard thereto. Section "Fourth" treats of that portion of the problem which comes under state jurisdiction and of the manner in which that problem has been handled in California.

Sec. 9. **It is evident that California, and other States of the Union, some of them already threatened, cannot be protected from the growing menace save through Federal action. They can act only along certain lines, and the results obtained thereby, in the absence of Federal action, will not afford permanent relief against a national danger.**

Sec. 10. The question is regarded, and is herein treated, as a national one, and not as either State or sectional, though the evidences of the menace are found at present in individual states, but more particularly in California, and in the Territory of Hawaii.

*Sec. 11. The effort has been made to include in this brief a clear outline of the many phases of the problem of Japanese immigration, with reference to exhibits and quoted authorities for verification or desired detail. In the voluminous transcripts of hearings held before the House Committee on Immigration will be found a mass

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of valuable data. In Exhibit IV, "Our New Racial Problem," will be found a digest of some of the more important data submitted to that committee and particularly referred to herein. From that digest a fairly comprehensive idea of the general conditions at the time of its presentation, July 1920, may be had. In the introduction to that digest it is stated that it appears therefrom **"That the economic question of today will develop into a grave racial problem, unless the proper remedy be at once applied; that the Japanese have determined to colonize favorable sections of the United States, and permanently establish their race in this country; that they openly preach their plans of peaceful penetration, 'get more land and beget many children,' as the most certain method of accomplishing this purpose; that in so doing they do not contemplate assimilating as American citizens, loyal to the country of their birth or adoption, but plan to serve the ambition of Japan in world subjection as taught in her religion and in her schools; that American-born Japanese on whom we confer citizenship are being trained here and in Japan to use their American citizenship for the glory of the Mikado and the benefit of the Japanese race; that through violations of the Gentlemen's Agreement, the Japanese have increased many fold in this country, while the declared intent of the agreement was to restrict Japanese immigration as the Exclusion Act restricted Chinese immigration; that the Japanese birth rate per thousand in California, now three times that of the whites, exists in face of the fact that the proportion of adult females among the Japanese is less than one-third as great as among the whites; that such birth rate will be very greatly increased if success attends the efforts of the Japanese to bring in a large number of females; that Orientals, largely Japanese, already control, through ownership or lease, one-sixth of the rich irrigated lands of the State, and, in some of the larger counties, have control of a majority acreage of such lands; that the results as to Japanese control already secured in Hawaii, and fast developing in California, are contemplated in other States as shown by preliminary colonization; and that American missionary and church influence is being exerted on behalf of Japanese propaganda and this Japanese program, in the mistaken belief that Japan in return will aid or encourage Christian evangelization of the Japanese here, and in Japan."**

It is believed this brief with its references will fully substantiate every charge made in that introduction.

*Sec. 12. Herbert Quick wrote for the Saturday Evening Post (see issue of June 25, 1919) an article on "Seventeen Year People" in which he discussed the necessity for protecting this country against the cloud of Oriental immigration, particularly Japanese, descending upon it. In that article, Mr. Quick said in effect that **this is our country and we are under no obligations to admit any foreigner; that we should tactfully but firmly let the world know that we claim the right to exclude anyone we wish to exclude; that the life of this democracy depends upon the sort of immigrants admitted; that the discussion of the Japanese immigration problem should be encouraged and not frowned upon; that there is nothing discreditable to the Japanese in our attitude on this question; that we will not admit them because they do not and cannot assimilate and because, in economic competition, they drive our people to the wall; that we will not admit immigration freely under such conditions from any country, no matter what the consideration offered or the consequences involved; and that we have the right to make such a decision and the power to enforce it.**

*Sec. 13. The policy of rigid exclusion of Japanese immigration and defensive measures against their determined plans of peaceful penetration are urged as just and necessary means of self protection on the part of this nation against a serious menace to our national welfare. They should be followed regardless of what immigration Japan may admit from this or any other country; regardless of what rights and privileges she may accord to foreigners in

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her own territory; and regardless of what she may claim, with or without foundation as to her necessities for finding space outside Japan for her increasing population. **It is of interest, however, to note: (a) That Japan rigidly excludes immigration from other nations, even of the yellow color, as a measure of protection to her own people.** (See Sec. 106); **(b) That she does not grant to foreigners ownership of land in her domains, or lease thereof for profitable use in agriculture.** (See Sec. 51); **(c) And that she has much unoccupied land in her own domains and adjacent thereto, but prefers to send her people to establish themselves in other lands where conditions are more favorable.** (See Secs. 53 to 57).

CALIFORNIA'S TREATMENT OF RESIDENT JAPANESE.

Sec. 14. It seems desirable to correct, first, impressions more or less general, as to the attitude of California towards the Japanese now here, and as to the restrictions imposed by the Alien Land Law, as passed by initiative in November, 1920.

Sec. 15. The fourth section of the Declaration of Principles, which clearly outlines California's policy in this regard, reads as follows:

> **"FOURTH—For the Japanese legally entitled to residence in California, fair treatment, protection in property rights legally acquired, and the privilege of engaging in any business desired, except such as may be now or hereafter denied by law to all aliens, or to aliens ineligible to citizenship; and provided particularly they may not hereafter buy or lease agricultural lands."**

Sec. 16. **In opposition to the plain understanding originally had with Japan, and to the intent of the "Gentlemen's Agreement," the Japanese population of California has increased four-fold, and that of continental United States three-fold, since 1906.** (The "Gentlemen's Agreement" was negotiated in 1907—see "Our New

Racial Problem," pages 9 and 10, Exhibit IV, or House Immigration Hearings, Exhibit V, pages 224 to 226). This increase is due only in minor part to surreptitious entry over the border. It is due in main part to the grave error of the Federal Government in countenancing an agreement under which control of immigration from a foreign country was deliberately surrendered to that country; to the laxness which permitted the growth of practices opposing the intent of the agreement; to toleration of plain violations thereof, in the authorized entry of laborers, officially classed as such; and to the failure to realize, until within the past few years, the conditions which had developed in Hawaii, and which are rapidly developing, particularly in the State of California, and in a lesser degree in a few other Pacific Coast States, therefrom. (See "How shall Exclusion be Secured," Secs. 232 to 265).

Sec. 17. California realizes that the Federal Government thereby has given official sanction to the presence in the State of a large element of Japanese population, which it is clearly against the interests of the State, and of the Nation, to permit. She accepts that condition regretfully, and has not attempted and has not suggested any unfair or illegal treatment of those Japanese who have legally acquired residence, or interests here. **Under her established policy she is, however, using her own legal powers and is urging the use of Federal authority, to prevent the granting to the Japanese of further rights or privileges which would constitute a grave injury to the State, and to the Nation.**

Sec. 18. **Section "Fourth" of the League's Declaration of Principles clearly expresses the intent to accord to Japanese legally entitled to residence in California, full protection in all rights to which they are now entitled, and fair treatment.** It announces the State's objection to the granting of further rights, more particularly in the ownership or control of agricultural lands.

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Sec. 19. **California's good faith in the matter has received convincing demonstration in the fact that notwithstanding her very earnest, protracted campaign for exclusion and prohibition of land control, she has not treated the Japanese in the State with discourtesy, or discrimination, or assault, or injury to property, or interference with vested rights.** The attention of the people of Japan has been called to this fact by Mr. K. K. Kawakami, the recognized agent for publicity for the Japanese on the Pacific Coast, in an article in the New York Nation, February 2nd, 1921; also in an article for The Annals of the American Academy, of January, 1921, page 84. (See Exhibit XXX); and by Mr. M. Komatsu, a former diplomatist and present journalist of Japan, who investigated the matter in California and recorded his conclusions in an interview published November 8th, 1920. (See Exhibit No. XIV) and by Commander M. Takiki, of the Department of Material of the Japanese Navy, in an interview in "Nichi Bei," San Francisco, February 18th, 1921.

*Sec. 20. The incident at Turlock, Merced County, California, July 19th, 1921, when seventy-five Japanese (part of a force which had displaced white workers by undercutting wages) were forcibly deported, is really a verification of the statements above made as to California's policy and determination to act fairly with the Japanese, since no violence or injury to property was offered; the movement was promptly arrested by County and State authorities, and the Japanese permitted to return; no subsequent overt act was committed; the leaders of the movement were arrested—all under a practically unanimously expressed sentiment throughout the State on behalf, not only of official authorities, but of newspapers, the Japanese Exclusion League of California, civic organizations, etc. (See Secs. 168 and 173 and also Exhibit XXVIII). The passage by the State Legislature of an act which imposes a poll tax on aliens (a violation as afterward appeared of the treaty with Japan) is referred to in Sec. 283.

Sec. 21. **That California's action in this matter has not been dictated by prejudice, or inspired by political ambition, is sufficiently indicated by the following facts:**

(a) The Japanese Exclusion League of California, which conducted the campaign for the initiative alien land law, speaks for the following organizations, which are represented on the League's Executive Committee by State officers of such organizations: American Legion, Native Sons and Daughters of the Golden West, Federation of Labor, Federation of Farm Bureaus, Federation of Women's Clubs, Veterans of Foreign Wars, and various patriotic, civic and fraternal bodies.

(b) Resolutions endorsing the policy and action of the League, both as to the Alien Land Law, and as to remedial measures urged upon the Federal Government, were passed without a single dissenting vote in both houses of the California Legislature in January and in April of this year, and copies thereof transmitted to Congress. (See Exhibits I and II).

(c) The intelligent, conservative element of the State has been converted to its present conviction within the past two years by public presentation and fullest discussion of the facts.

CALIFORNIA'S ALIEN LAND LAW.

Sec. 22. The Alien Land Law (Exhibit III, also Exhibit VII, p. 38), passed by initiative vote in California, November 1920, is further proof of the care which California has exercised in according to the Japanese full rights guaranteed them by treaty. The law provides (Section 2) that aliens ineligible to citizenship **"may acquire, possess, enjoy and transfer real property or any interest therein, in this State in the manner and to the extent, and for the purpose prescribed by any treaty now existing between the Government of the United States and the nation or country of which such alien is a citizen or subject; and not otherwise."**

Sec. 23. Construed in accordance with the conditions of the treaty with Japan, this means

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that hereafter alien Japanese may not acquire ownership of land in California under any conditions, and may not lease land for other than residential or commercial purposes. (See article one of Treaty with Japan, Exhibit VI, p. 115).

Sec. 24. The California Alien Land Law of 1920 was passed as a measure of necessity to protect the rich lands of the State from inevitable control, under continuance of existing conditions, by an alien, unassimilable race, ineligible to citizenship, which control would involve most grave economic injury to the State. (See Sections 160 and following).

*Sec. 25. **After the passage of California's Alien Land Law of 1913, there was constant evasion of the provisions and intent thereof by the Japanese. These violations compelled, in fact, the passage of the initiative land law of 1920,** which was framed principally to close the loopholes found by the Japanese in the original law; and there is now evident the same determined effort to evade or violate the provisions of the new law.

*Sec. 26. The intent of the 1913 law was violated in instances by placing the title to land in the names of minor Japanese children (American citizens by birth), sometimes babies, and the father, as guardian, handling and using the property and its profits as though he owned it. An instance of this kind is found in the case now before the Court of Yuba County, California. (See Exhibit XXIX).

*Sec. 27. Another method was to use a corporation, with an American name, and dummy trustees in whose name property could be held, and then used by Japanese to whom it was leased. An instance of this kind is cited in the testimony of L. J. Smallpage, of Stockton, at pp. 503 to 508 of the House Immigration Committee hearings, Exhibit V. It appeared therefrom that Smallpage, an American lawyer, acted as trustee for two California born Japanese children; and these two children, with their father and another Japanese and himself, were the five directors of a California corporation,

with an American name, which held real estate and other property, and leased the same for use, and profit, to the father of the two Japanese children.

*Sec. 28. Still another method of defeating the law is found in the testimony of L. M. Landsborough, of Florin, Sacramento County, California, at pages 244 to 274 of the same hearings, (Exhibit V), who acknowledged that in plain violation of the law, he was holding in his own name real estate in Sacramento County, which was owned, cultivated, and managed for profit by Japanese.

*Sec. 29. Since the passage of the new law by initiative, Japanese, on the advice of attorneys, have shown disposition to defy the law in purchase of real estate, but the first case thereof in Sacramento City was promptly prosecuted by the authorities and the property returned to the original owner.

*Sec. 30. It was claimed during the campaign that the "no lease" provision of the law could be evaded by the making of crop contracts, and forms of contract intended to evade this provision have been carefully drawn. State Attorney General U. S. Webb, to whom a contract of this character was submitted, has not only declared his conviction that the contract is a clear violation of the law, but has also strongly condemned the white lawyers who violated their oath in lending themselves to a scheme of this kind. (See his published letters, Exhibit XXIX).

*Sec. 31. Another method of evading the law is naively called to notice by "Nichi Bei," a Japanese daily newspaper of San Francisco which in its issue of August 10, 1921, makes complaint that California-born Japanese minors (who as American citizens are entitled to own or lease land) are "charging exorbitant prices for the use of their names by alien Japanese in the leasing of land."

*Sec. 32. "Nichi Bei," of San Francisco, January 20, 1921, says that in 1913 when Japanese were forbidden to own land by the passage of the 1913 law, they were in possession of 26,000

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acres. Seven years later, they owned 50,000 acres and leased 400,000; it is stated further that notwithstanding laws there will be found some way to "cut through," indicating the determination of the Japanese to circumvent law.

*Sec. 33. Also in the Japanese Review of International Law, December, 1920, a writer says that, foreseeing the passage of the California law, Japanese organized forty-six new land companies for holding agricultural land all over the State, and registered them at Sacramento before the law was enacted. As a matter of fact, the number was very much greater.

Sec. 34. Stress has been laid upon the fact that the law of 1920 was passed by a vote of but three to one. The majority would have been very much greater, undoubtedly, if short leases of lands to aliens ineligible to citizenship had been permitted under its provisions. Short leases, however, were declared to be in effect as injurious as long leases, since the repeated renewals of short leases to Japanese would become inevitable as the whites were displaced or forced into other occupations, and such renewals would amount in effect to long leases. These in turn would give practical control, with results virtually amounting to ownership.

*Sec. 35. It should be remembered too that the majority of three to one in favor of the Alien Land Law was obtained in the face of a thoroughly organized campaign conducted by the Japanese and in their behalf by Americans affiliated with them through business interests, and by church organizations actuated, in ignorance of the important facts, through sympathy and the urge of the missionaries; that there was spent in this campaign in full-page and half-page advertisements in the newspapers of the State, and in a mass of printed matter sent through the mails to the individual voters of the State, an amount estimated at $200,000, while to meet this the Japanese Exclusion League of California had a total fund of less than $2,500; that flagrant attempts were made by alien Japanese, even official representatives of the Japanese Government, to interfere in the conduct of this election and that public charges were filed with the Department of State at Washington against the use made of his position in this matter by the Japanese Consul at Los Angeles, California. (See Exhibit XXXIX).

*Sec. 36. Comment has been made on the fact that no prominent Chamber of Commerce in California advocated the passage of the Initiative Alien Land Law, while one, that in San Francisco, conducted an open fight against it. The San Francisco Chamber of Commerce, however, declared itself for Japanese exclusion and against Japanese land ownership, but based its opposition to the law on objection to elimination of leases and its belief such provision would not prove operative.

*Sec. 37. Chambers of Commerce, however, frequently fail to reflect the sentiment of their respective communities on matters touching established business interests. Their policies are dictated by the directors usually, and sometimes do not represent even the views of a majority of the membership. At the polls San Francisco voted 3½ to 1 against the stand taken on this question by her Chamber of Commerce. Similar large majorities in favor of the law were polled in other cities whose Chambers of Commerce were understood to be in sympathy with the attitude of the San Francisco Chamber, though they had avoided taking public stand thereon.

*Sec. 38. The Seattle Chamber of Commerce, through its President, in published interviews and in hearings before the Legislature, opposed the passage of Washington's Alien Land Law, declaring such action would incur the ill-will of the Japanese and lose Seattle the terminal business of the Japanese steamship companies. There was no suggestion on his part as to injury done or threatened by Japanese penetration to the city at large, to the state or to the nation, but only presentation of the loss which large business interests might suffer if Japanese steamship companies transferred their terminal business. (See Exhibit XXXIX). In contrast with the attitude of the Seattle Chamber of Commerce was the stand taken by the

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City Council of Seattle in memorial to the Secretary of State, August 1, 1921, calling attention to the injury done in and near Seattle by Japanese immigration and urging that the right to keep this country for the American people be not exchanged at the coming Disarmament Conference for trade or investment concessions in Asia. (See Exhibit XXXI). There was also the action of the people's representatives in the Washington Legislature in adopting by large majority the Alien Land Law to which the Seattle Chamber of Commerce objected. (See Exhibit VII, pp. 66 & 67).

Sec. 39. **The California law was adopted under the exclusive right granted by the Federal Constitution to the individual states to control the ownership and use of lands within their respective territories.**

Sec. 40. The law in spirit, or in provision, does not violate any part of the Federal Constitution as conceded by the highest Japanese authorities. (See articles in Japanese Review of International Law, March 1919, S. Takahashi; June 1920, Dr. K. Kobayashi; November and December 1920, January 1921, M. Maita, (Exhibit VIII); also articles from Revue Diplomatique, of Tokyo, November 1, 1920, by A. Ninagawa, Exhibit VII, pp. 7, 8 and 9).

Sec. 41. **The law does not discriminate against the Japanese.** It is made applicable to all aliens ineligible to citizenship. The Japanese nation is only one of a number affected thereby, under provisions of Section 2169 of the United States Statutes.

Sec. 42. **The law does not violate or oppose the intent of any Federal Statute;** on the contrary, it is a natural corollary of Section 2169 of the Naturalization Laws of the United States, which in effect denies the privilege of naturalization to all members of the yellow or brown races. California, in refusing to longer permit ownership or profitable use of her rich agricultural lands by aliens ineligible to citizenship, is not only furnishing the necessary protection to her own people, to her own lands, and to the

nation, but is acting in harmony with this Federal Statute, the framers of which certainly intended that peoples declared by it as unfitted for citizenship should not be encouraged, or permitted, to secure control of our rich agricultural lands, with the benefits to them, and the injuries to our own citizens, which must result therefrom.

Sec. 43. The California law is also in direct harmony with the provisions of Section 2289, Revised Statutes of the United States, passed originally in 1887, and amended as to minor details at subsequent sessions, which explicitly provides that in territories of the United States (where control of land is subject to federal supervision), land may not be owned, save by citizens or those who have declared their intention to become citizens. California, therefore, is only following as to lands within her borders, over which she has exclusive jurisdiction, the policy clearly established and followed for over thirty years by the Federal Government itself, as to those lands over which such government has control. There is, in effect, this difference only—that the California law is less restrictive than the Federal law, since it permits ownership of land by anyone eligible to citizenship, even before he has declared his intention, while under the Federal Law land may not be acquired by an alien until after he has declared his intention to become a citizen.

Sec. 44. The law not only does not violate the treaty between Japan and the United States, but it explicitly guarantees to all aliens ineligible to citizenship all the rights and privileges in connection with the ownership and use of land in California which may be guaranteed them by treaty. This is conceded by Japanese authorities. (See authorities and exhibits quoted in Section 40).

Sec. 45. The law was adopted under the essentially democratic method of initiative, by a majority of three to one.

Sec. 46. Its principle was unanimously endorsed by the representatives of the people on two occasions, in the State Legislature, January

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7th and 10th, and April 12th and 13th, 1921. (Exhibits I and II).

Sec. 47. The law was adopted only after exhaustive investigation under state authority, and after a state-wide campaign of six months or more, in the course of which all sides of the question were presented in public print, and on the platform, by ablest representatives. The movement for the adoption of the law was fathered, not by radicals, but by the conservative elements of the State, most of which had never theretofore taken any part in political matters. Labor itself played only a minor part therein. (See Section 21).

*Sec. 48. Within the past few months a number of other States, after careful investigation of the facts in California, have adopted legislation similar to California's law (Louisiana, Arizona, Delaware, Washington, New Mexico and Texas); or have taken preliminary steps looking to such legislation (Colorado, Nevada, Nebraska, Oregon, Idaho and Montana); or have memorialized Congress, urging the adoption of a federal policy as endorsed by California (Utah). (See "Alien Land Laws and Alien Rights," House Document 89, 67th Congress, presented by Hon. C. F. Curry, pp. 32 to 71—Exhibit VII). Since publication of document quoted, New Mexico has, by constitutional amendment, adopted principle similar to California's.

*Sec. 49. Prior to the passage of California's present law in 1920, a number of states of the union had in their constitution or on their statute books measures restricting in great or small degree the ownership and use of land by Japanese and other aliens. So far as now appears, none of those laws were made subject of protest by Japan or any other nation. (See Exhibit VII, p. 32).

JAPAN'S ALLEGED NECESSITY AND HER LAND POLICY.

Sec. 50. California and other States of the Union forbid ownership or lease of agricultural lands to Japanese among other aliens because the results of their occupancy and control there-

of are injurious to our own people and to the nation. That policy should be followed, regardless of what Japan's policy may be in similar matters. **It is a matter of interest to know, however, that what Japan is demanding for her people in California in the way of ownership or lease of land, is forbidden to all foreigners in Japan.** This fact probably furnishes the reason why our treaty with Japan does not accord to Japanese in this country the right to own land for any purpose, or to lease it for other than residence and commercial purposes. (See Article I of Treaty, Exhibit VI, p. 115; also Sections following in Brief).

*Sec. 51. In Japan, the ownership of land by foreigners is forbidden under the present law, but there are a few vested rights under old laws which may be transferred. In no case, however, may such land be utilized by a foreigner for profit in agriculture. There are certain recognized methods of leasing lands in Japan, but under no circumstances is a foreigner permitted to engage in agriculture for profit. These matters will be found fully explained in Exhibit VII, pp. 11 to 16. The facts, however, will be sufficiently established for the purposes of this brief by the following authorities:

(a) Baron Uchida, in a statement to the Japanese Diet, on January 30, 1921, transmitted by Associated Press and published in this country, said: "Japan does not permit ownership of her land by foreigners."

(b) In the March, 1921, number of the New York Times Current History Magazine, on page 505, will be found a quotation from the Kobe (Japan) Chronicle, criticizing Dr. Iyenaga for misleading statements made by him in an article previously published in the magazine named. In the course of this criticism the Chronicle says: "In Japan aliens can not purchase land."

(c) In a decision given by the Tokyo District Court in March, 1913, in the case of Rev. W. D. Cunningham, an American missionary, vs. Hiranuma Hachitaro, a Japanese, occurs this language: "As foreigners have no right of land ownership in Japan, etc."

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(d) M. Malta, in an article in the December, 1920, Japanese Review of International Law, in discussing the California Land Law, said: "In Japan the right of ownership of land is not granted to foreigners."

(e) The Kobe (Japan) Chronicle of September 25th, 1920, in answering certain assertions of Colonel John P. Irish, that foreigners are accorded in Japan, in the lease of agricultural lands, similar rights to those demanded by the Japanese in California, said: "It is certain that though the leasing of land is allowed to foreigners in Japan, the pursuit of agriculture is not."

*Sec. 52. Japan has enlisted the sympathy of the world by claiming that she has not in her empire space or land for her rapidly increasing population, the annual increase claimed being between 500,000 and 700,000. She has made that claim the basis for a practical demand that her people be permitted to colonize in favorable countries of her own selection. Even if that claim were true, the law of self-protection would forbid any nation opening its doors to Japanese, even in restricted numbers, if it were shown that the nation invaded must ultimately suffer seriously therefrom. **But the claim, like many others advanced by defenders of Japan's policy, seems to lack foundation.**

*Sec. 53. The basic reason why the increasing population does not secure land in Japan is that, while the land is there and unused, it is held by the crown or state. In 1910 there were only 35,000,000 acres held in private ownership, while 53,000,000 acres were held by the crown. (Encyclopaedia Brittanica). Much of the privately owned land is held by the nobility and not available for general use. Between 1910 and 1917, only 1,500,000 acres of the crown lands were transferred to private ownership. (Statesmen's Year Book, issued by the British Government). In the year 1919, the Japanese Government agreed to alienate 5,000,000 acres of these crown lands and after reclamation throw them open to sale and settlement. (Exhibit VII, pp. 16-17; Exhibit VI, pp. 72 and 73). Further confirmation of this situation is found in the Japanese Year Book, at pp. 538, 539, 540. Of the total acreage of land in the Empire (placed at nearly 90,000,000 acres), only 37,547,500 acres pay taxes. The balance is crown or state land. So, while Japan enlisted the world's sympathy by declaring she has no space for her increasing population, the State was withholding from settlement and use sixty per cent of the total acreage of the Empire. (See also "Japan and America," by Carl Crow, p. 48, and Capt. Brinkley's work on Japan, Vol. 4, p. 101, and Vol. 6, p. 217).

*Sec. 54. Again, the claim is made that much of the land in Japan is mountainous and cannot be used. That is true to a limited extent. But the Japanese do not utilize the slopes of light grade, as is done in China and Europe, and in California as well. The government authorities, after a careful survey of the entire country, have reached the conclusion that simply by reclaiming and putting under cultivation the land which is inclined at an angle of less than 15 degrees, the area of arable land may be doubled. (Carl Crow, in "Japan and America," p. 20; see Board of Control report, Exhibit VI, pp. 72 and 73). The forests occupy much of the sloping hillsides. These could be utilized to some extent for occupation and livelihood by the population, but the State holds two-thirds of these forest lands, and evidently does not permit them to be worked much, since the revenue therefrom was only one-fourth that derived from half the acreage held in private ownership. (Japanese Year Book, pp. 581-582).

*Sec. 55. Hokkaido, the northerly island of Japan, is large and productive, but is thinly populated. The Japanese do not wish to go there because the climate is colder. Japan now owns Korea. She does not send her people there because they cannot face the Koreans in economic competition. She holds Manchuria, but the Japanese cannot be made self-supporting in Manchuria because they cannot compete with the Chinese on an equal footing, and hence the attempt to colonize Manchuria, save for control purposes, has ceased.

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*Sec. 56. Read what Iyenaga, one of Japan's spokesmen in this country says in "Japan and the California Problem" at page 55, and understand why the Japanese insist on colonizing in this country whether they are welcome or not. "Naturally, the Japanese, being very good farmers and fond of agriculture, and yet having so small a prospect of success at home, look with eager eyes for an opportunity to cultivate land abroad. In the north there are the vast plains of Manchuria; towards the south the fertile soil of Australia; in the east, California and Hawaii appear to offer golden opportunities for industrious farmers. Manchuria, however, turned out to be too cold, and competition there with cheap Chinese labor proved unprofitable. Australia from the beginning never welcomed the yellow races. Only Hawaii and California seemed in all respects satisfactory for Japanese immigration."

*Sec. 57. J. Russell Kennedy is manager of "Kokusai," the government controlled news agency of Japan. He is also manager of the Japan Mail and Times, a Tokyo newspaper printed in the English language and used by the Japanese Government to reach the English reading public of Japan. He acted as Director of Publicity for Japan at the Paris Peace Conference. Presumably he knows something about conditions in Japan. In an address made before the Kiwanis Club in San Francisco on February 3, 1920, Mr. Kennedy said:

> **"Another myth is that Japan must find an outlet for her surplus population and that the outlet must be to other countries. This is untrue. Japan has plenty of room within her own borders and within the last few weeks she has given assurance that she intends to keep her laborers at home for the purpose of the development of her own resources and not those of California or any other place.** This is indeed the course of wisdom, for Japan has vast undeveloped resources and room for great expansion at home. Her further domestic policy must be to offer inducements to her working people, not to emigrate, but to spread out into the Northern Island where there is room for many millions more, with wheat and grain and cattle possibilities; or to the Island of Formosa, a semi-tropical paradise, undeveloped, or again to that great Peninsula of Korea, larger than England, with ample room for not less than ten million additional population. When Japan has, as she will, developed this great agricultural area, then, indeed, will she be a greater and more prosperous nation than she can be while she permits or encourages emigration."

CALIFORNIA, THE FOUNTAIN OF INFORMATION.

Sec. 58. It is claimed, and generally conceded by those who have investigated, that no fair estimate of the character and gravity of the Japanese immigration problem as a national menace can be secured without comprehensive first-hand knowledge of the conditions in California. In no other State have results developed to such an extent as to clearly and unmistakably point out the inevitable and disastrous results to the nation, if the conditions are permitted to continue and to extend over the Union. Iyenaga at page 188 of "Japan and the California Problem" says: "The California question can only be settled by or in co-operation with the Californians—and right on the spot, not elsewhere."

Sec. 59. In California are located two-thirds of the entire Japanese population of continental United States—that is to say, twice as many Japanese are found in California as in the other forty-seven States combined. (See Section 76 and following).

Sec. 60. In California are found, in consequence, the various phases and features of the problem which make it dangerous. The subject has been under most careful investigation for two years past, first by the State Board of Control (see its report "California and the Oriental,") under direct instructions from the Legislature of

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the State; next, by the House Immigration Committee (see its transcript of hearings in July, 1920, in four volumes; Exhibit V) and next, by civic organizations and interested individuals on both sides; and such investigations have been attended by public discussion of all material points, resulting in the crystallization of an intelligent and conservative public sentiment, which is practically unanimous on the main points involved. (Exhibit VI, reproduced in Exhibit V at pp. 70 to 194; also hearings, House Immigration Committee, April 18th, 1921).

*Sec. 61. It is understood that within the past year the Federal Government has made more or less exhaustive investigations of the conditions in California to which this brief refers through the regular investigative forces in the Departments of Justice, War and Navy. While the reports made in connection with such investigations are not available to the public, they are presumably available on request to the Department of State. Reference is made to them in the confident belief that to the extent they go, they will fully corroborate the statements made in this brief.

Sec. 62. While there was opposition to the passage of the California Alien Land Law, primarily because of its cancellation of short leases; and aside from that consideration, principally on the part of selfish personal and business interests affiliated with the Japanese; missionaries influencing church organizations under sympathy; and other parties acting in good faith, but in ignorance of the fundamental facts **—there is practically no difference of opinion as to the wisdom of inaugurating, at once, a national policy of absolute exclusion in protection against the menace** (See Sec. 94 and following), **and little, if any, as to forbidding further ownership of land to aliens ineligible to citizenship.**

Sec. 63. Several States, other than California, have, by memorials to Congress, adopted by their Legislatures within the past few months, and by enacting legislation under authority granted to the States by the Federal Constitution, clearly

indicated their approval of the policies outlined in this declaration. (See Section 48).

Sec. 64. There is a steady and rapid conversion, on the part of individuals, civic organizations, newspapers and periodicals throughout the country, to the propriety of California's stand, and the federal policy which she urges, as opportunity is offered for investigation of conditions in California, with the realization that Japanese colonization has commenced in States other than California, and is certain to develop in time, throughout the Union, the dangers already present in California, and in Hawaii.

*Sec. 65. What independent investigators have found from time to time of this real situation in California, and its threatened consequences, and reported for standard publications, is indicated in a small way in the following list of published articles. A few of the many:

Peter Clarke MacFarlane, Colliers, June 7, 1913, "The California Land Law."

Herbert Quick, Saturday Evening Post, June 28, 1919, "Seventeen Year People."

Country Gentleman, Aug. 16, 1919, "Rocky Ford District."

Lothrop Stoddard, "Worlds Work" (articles Sept. to Dec. inc., 1920); and "Annals of American Academy of Political & Social Science," Exhibit XXX, p. 42.

Wallace Irwin, Saturday Evening Post, serial, 1920, "Seed of the Sun."

Freeman Tilden, Country Gentleman, May 1, 8, 15, 29, 1921.

Peter B. Kyne, Cosmopolitan, serial, January, 1921, and following, "Pride of Palomar."

Roger Lewis, Colliers, July and August, 1921.

Julian Street, Colliers, August 27, 1921, "America and Japan."

Joseph Timmons, Outlook, August 1, 1920.

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Joseph Timmons, S. F. "Examiner," March, 1921, series of articles on conditions in Hawaii.

Sec. 66. **It is contended, therefore, that the State Department cannot pass upon this subject intelligently, or with full justice to national interests, unless and until it shall have, by hearings and careful investigation, acquired an intimate knowledge of the conditions in California, which were made subject of hearings by the Congressional Committee in the summer of 1920; and of other hearings since.**

Sec. 67. **It is urged further that careful consideration should be given to conditions in Hawaii, particularly to such as were disclosed during the recent sugar plantation strike, as furnishing striking proof of the inevitable effects in continental United States of increased Japanese population in various States.** (See Sections 84 to 93).

JAPANESE POPULATION.

*Sec. 68. An accurate estimate of the Japanese population in the United States is important in connection with the general subject of Japanese immigration and peaceful penetration for several reasons, the most important of which are that only thereby may be determined the increase of such population within a stated period of time, and may be secured a basis upon which the birth rate of the Japanese in this country can be known.

*Sec. 69. **It is well to know first that the United States census figures in this matter are entirely wrong and should not be depended upon.** For instance, according to the United States census, the Japanese population in California in 1910 was 41,356. A census of the Japanese population of California was made by order of the Government of Japan in that same year through the machinery described under the sub-head "A Government Within a Government" and was reported in the Japanese Year Book. The total by that census was 54,480, 13,000 more than United States enumerators found. (See statement K. Kanzaki, Secretary of the Japanese Association of America before the House Immigration Committee at Sacramento, July 1920, page 676 of hearing, Exhibit V).

*Sec. 70. The United States census declares the Japanese population of California in 1920 to be 71,952. At page 676 of the House Immigration Committee's transcript of hearings before referred to, the Secretary of the Japanese Association of America testified that a Japanese census in 1919 showed 83,628 Japanese in California, aside from 5,000 California-born minors who were then in Japan receiving their education. It was explained further that this census, showing nearly 12,000 more than the United States census, was necessarily incomplete because it was secured through voluntary registration in response to public notice, each Japanese being forced to pay 25c for registering. (See Exhibit V. p. 211). It is also a matter of common belief (evidenced by proof in the case of San Diego) that the Japanese in California at this time are anxious to have their population under-estimated rather than properly estimated, for reasons which are obvious. In the San Diego case referred to, Census Supervisor C. R. Bowan declared that the original enumeration undertaken with Japanese assistance showed 800 population in a certain district of the county, while the recount, which was demanded, disclosed 1200. (Los Angeles Times, Feb. 11th, 1920).

*Sec. 71. Diagramatic tables of the California State Board of Health showing death rate of Japanese as compared to that of whites for the years 1911 to 1920, based on U. S. census figures for population, show an astounding and clearly incorrect increase of death rate among the Japanese which can be accounted for only by assuming the Japanese increase of population has not been properly enumerated. Again the U. S. census shows an increase of Japanese population in this State from 1910 to 1920 of 30,596. The Japanese births less deaths in the same period were 20,191. The difference, 10,405, should indicate the increase in the State's Japanese population during that period from legitimate immigation and surreptitious entry, but the records show that legal entries alone exceeded de-

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partures by 24,592, and it is known that Japanese migration is not from California to other states, but from other states to California. Tengai Koboyashi, in "Nichi Bei," the Japanese American News, San Francisco, July 29th, 1919, translated for the Sacramento Bee of August 4th, 1921, calls attention to the fact that "within the past two years 2,000 Japanese have left the inter-mountain States to come to California." Here is a proven shortage of over 14,000 in the U. S. census, without allowance for surreptitious entry or flow from other states. Still again, if U. S. census figures of the California population in 1920 are accepted as correct, the Japanese birth rate in this State is almost four times as great as that of the whites—clearly wrong. (L. E. Ross, Registrar of Vital Statistics, California State Board of Health, September, 1921).

Sec. 72. The Japanese population of Washington, Idaho, Montana and Alaska, as shown by the United States 1920 census, is 5,071 short of the number counted by agents of the Japanese Government; that is, 20,031 as against 25,102. (See statement of D. Matsumi, President of the United North American Japanese Associations, p. 1170, Exhibit V).

*Sec. 73. In Hawaii the U. S. enumeration of Japanese in 1920 is 5,000 short of the number conceded by the Japanese Consul to be shown by census ordered by the Japanese Government.

*Sec. 74. Having conclusively demonstrated the unreliability of the U. S. census in the matter of Japanese population, corrected estimates of such population are given herewith, with the facts substantiating the estimates.

*Sec. 75. The total population of Hawaii (U. S. census) is 255,912. The Japanese population, according to the Japanese Consul-General at Honolulu, is 114,000; according to the estimate of the Territorial Board of Health, it is 114,879, while the U. S. 1920 Census enumerated but 109,274. This number of say 115,000 does not include many thousand minors now in Japan receiving an education and who will return to enjoy the privileges of American citizenship. Japanese authorities place the number of such minors at

over 13,000; American immigration authorities place the number at 20,000. (Joseph Timmons, Exhibit XV, 3rd article). Therefore, practically half the population of the territory is now Japanese. More than fifty per cent of births and of new school registration each year are Japanese. There can be no question then as to what the future racial complexion of the territory will be.

*Sec. 76. The Japanese population of continental United States is estimated at 150,000; 100,000 in the State of California and 50,000 in the forty-seven other States of the Union. An official statement issued by the Japanese Government in Japan, places the Japanese population of continental United States at 140,000, greater than the number of Japanese in any country outside Japan's domain, except on the continent of Asia. There is practically no dispute on the part of Japanese authorities as to the 50,000 residing outside of California, although the U. S. census gives only 39,073. Sidney Gulick in "Japan and the Gentlemen's Agreement," p. 10, estimates the Japanese population in continental United States in 1919 at 121,600, while in the "New Anti-Japanese Agitation," p. 8, he places the Japanese in California at 72,000 or 73,000. The difference, over 49,000, would be his estimate covering the other 47 states.

*Sec. 77. **The Japanese population of California is conservatively placed at 100,000.** It is probably more. Here follow some of the proofs. The State Board of Control in its report of 1920, "California and the Oriental", estimated the State's Japanese population at 87,279, the figures being arrived at by taking the U. S. census figures of 1910, and adding arrivals and births, and subtracting departures and deaths. This estimate took no account of surreptitious entries or entries from other States. But the U. S. census of 1910 was 13,000 short; and the estimate of the Board of Control is therefore really 100,000, without allowance for surreptitious entry.

*Sec. 78. The State Board of Health made in 1920 a conservative estimate of the State's Japanese population in 1919, based on available

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data as 96,000. The Registrar of Vital Statistics of the State Board of Health, L. E. Ross, made at the same time an estimate based on comparison of mortuary tables and sex statistics as explained in the Bulletin of the State Board of Health. May, 1920. Estimates similarly made for Chinese, Indian and Negro population checked with the known facts. This formula gave a Japanese population of 109,000, and as it included surreptitious entries, it offered corroboration of the Board of Control's corrected estimate of 100,000, which did not include such entries.

*Sec. 79. There is still another proof that the Japanese population of California is not less than 100,000. My estimate of 100,000 made in advance of announcement of Federal or other census figures, was based on the assumption that there were 25,000 minors of both sexes, and say 17,000 adult females and 58,000 adult males. The proportion between adult males and adult females thus indicated is a little less than three and one-half to one. Figures quoted by Japanese authorities for various sections where Japanese settlement is most thick and where most women are concentrated was never less than three to one, and the proportion, of course, in other communities would be greater.

*Sec. 80. "Nichi Bei," leading Japanese newspaper of San Francisco, November 4th, 1919, in opposing abolishment of the "picture bride" plan declared that in the lower river country (the Sacramento River delta) there is only one Japanese woman to every four men. The Japanese census for Oregon shows a proportion of three to one, and for Washington, Montana, Idaho and Alaska, a proportion of three to one. Districts in southern California where Japanese are concentrated have shown three, to three and a half, to one.

Sec. 81. On page 5 of the leaflet "Statistics Relative to Japanese Immigration and the Japanese in California," issued by the Japanese Association of America, appears an estimate of the total Japanese population in California, from

"Figures obtained September, 1918, by the Japanese Association of America," as follows:

Men	41,842
Women	12,232
Boys	7,877
Girls	7,031
TOTAL	68,982

The proportion between men and women, it will be noted, is practically three and a half to one.

*Sec. 82. The Japanese authorities in their published estimates of their total population in California in 1919—69,000 or 70,000—placed the number of adult women at 15,521. Iyenaga in "Japan and the California Problem," p. 113, places the number of Japanese women at 16,195. It is safe to say the number is not less than 17,000, as originally estimated by me. With this factor established and the ratio between adult male and female as above indicated, the estimate of 58,000 adult males is confirmed. The estimate of 25,000 minors is certainly conservative, for there have been over 37,000 Japanese births in the State. And so the estimate of 100,000 as the Japanese population of California receives further confirmation.

*Sec. 83. **Throughout this brief, it is assumed, therefore, that the Japanese population of the United States is not less than 290,000, of which 115,000 plus 20,000 minors temporarily in Japan, are credited to Hawaii, and the balance, 155,000, to continental United States; 105,000 thereof (100,000 plus 5,000 minors in Japan) to California, and 50,000 to the forty-seven other States of the Union.**

WHAT JAPAN HAS DONE IN HAWAII

*Sec. 84. As California's present condition serves as warning to her sister States of the inevitable results to them in time of peaceful penetration by the Japanese, if permitted to continue, so does the situation in Hawaii today point unerringly to the fate of California in the near tomorrow unless the Federal Government adopts at once a strong protective policy and maintains it. (For details see Exhibit XVI, pp.

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25-28; Exhibit XVII; Exhibit XV; Exhibit XXXII; Exhibit XL; also Sec. 75.)

Sec. 85. **Hawaii, now a territory, had hoped to become a State, and had even sent a commission to Washington urging her admission as a star on the field of our flag. She knows now that statehood under existing conditions is impossible, and that in all probability territorial self government will have to give place to rule by Federal Commission. The reason—Hawaii is apparently lost to the white race, and in a few years a majority of its total population will be Japanese. In part of a generation, a majority of its resident American citizens will be Hawaiian-born Japanese.** (See Exhibit XVI, pp. 27, 28; also Exhibit XV. Article No.3, Mar. 22, 1921.)

*Sec. 86. The Hawaiian sugar planters thought the Japanese necessary to fill the demand for cheap labor on the plantations. So long as Japanese labor insured them a profit in the sugar crop they bothered not at all about possible future injury to the territory, and made light of the warning issued by California. Today, after a rude awakening, they are at the doors of Congress, urging through two commissions the passage of a rehabilitation act and a special immigration measure to protect the territory from impending economic, political, and racial control by the Japanese. (See Exhibit XXXII; see also House Immigration Committee Hearings on Hawaii, Exhibit XL.)

*Sec. 87. The attitude of the Hawaiian planters in the past is similar to that of some large land owners in California today, who warmly protest against any restriction of Japanese penetration or activities in the State on the plea that Japanese labor is necessary to maintain productivity here. The real reason is that these land owners can obtain higher rental for their lands from the Japanese than from whites for reasons explained elsewhere in this brief. (Sections 160 to 166.) These land owners have not considered future injury to the State and Nation which must result from their present policy; possibly the change of heart in the Hawaiian planters will induce a change of pol-

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icy in these California land owners before California suffers the results now at hand in Hawaii.

*Sec. 88. Two years ago the Japanese had sufficient political influence to defeat a bill before the Hawaiian Territorial Legislature providing that teachers in separate foreign language schools must have sufficient knowledge of the English language and American history and civics to teach the children of foreign parentage entitled to American citizenship by birth some of the responsibilities of that citizenship. The Japanese claimed such a bill would destroy their schools, of which there were 163, with 20,000 pupils (a greater number of young American citizens of Japanese parentage than are found in the territorial public schools) taught by 449 teachers, most of whom do not speak English, and many of whom are Buddhist priests. **The abolition of these schools was recommended by a survey commission from the Department of Education at Washington in 1920** (See Exhibit XV, 8th article; also Sec. 223; also Exhibit XVI, p. 28), **but an attempt to comply with that recommendation in the territorial legislature this year was forestalled by the Japanese,** who had a measure passed allowing the territorial educational authorities a certain amount of authority over these schools. Similarly, in the California Legislature this year the Japanese, themselves, had introduced and passed a measure which gives the State Superintendent of Public Instruction certain authority as to the curriculum and teachers in such foreign language schools. This measure was introduced in order to avoid passage of a more drastic bill.

*Sec. 89. **There are now in Hawaii four times as many Japanese as there are people of any other race, counting all Caucasians (aside from Portuguese) as one race. The Hawaiian-born Japanese entitled to the franchise (both sexes) will number 25,000 before 1930, and rapidly increase thereafter. Within a generation the Japanese will have a majority of the total number of voters. Now, even in the absence of the franchise, the Japanese possess preponderating**

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influence because of their number and control of various lines of business. (Exhibit XV, article 9th; also Exhibit XVI, pp. 27-28.)

*Sec. 90. The Japanese furnish 60 per cent. of the farm labor of the territory. They are bound together in a labor organization which managed the strike of last year, lasting six months, and losing its members $4,000,000 in wages and the planters three times that amount. **The Hawaiian commission claims this was in effect a race strike, whose ultimate object was control of the rich sugar lands of the islands by the Japanese, as control of agricultural lands in California is sought.** (See Exhibit XV, 6th article; Exhibit XXXII; and Exhibit XL.)

*Sec. 91. The Japanese leave the sugar plantations as soon as they can find other positions in trades, or stores. The same is true in California. They thus displace white mechanics, store keepers and small business men. The desire of the Hawaiian-born Japanese is to avail themselves of their citizenship right and go to the continent, where opportunities are greater. (Exhibit XV, Article 12, March 31, 1921.)

*Sec. 92. How Japanese have displaced whites in the trades and shops in Hawaii is told by Joseph Timmons (See Exhibit XV, 12th article.) Japanese who came to the sugar plantations as laborers learned the trades as helpers to white mechanics and ultimately replaced the whites by working at a lower wage. Then they drifted into Honolulu and Hilo, driving out white carpenters, plumbers, painters, blacksmiths, etc; then they blossomed into contractors, and now the building trade of Honolulu is practically all in the hands of Japanese contractors. Similar results are predicted in California by the State Board of Control (Exhibit VI, p. 104.) The Japanese of Hawaii sent back to Japan in 1920, $17,000,000, buying exchange therefor at the American banks, in addition to $928,932.08 sent in Honululu postoffice money orders.

*Sec. 93. The Japanese have an entire monopoly of the fishing industry of Hawaii, and their 435 sea-going sampans have a speed of

10 to 15 knots per hour; quite an auxiliary fleet. There were at last account more Japanese trained soldiers in the territory than soldiers wearing the khaki of Uncle Sam. In consequence of these and other conditions, Hawaii, supposed to be a military asset of the nation, may become a liability. (See Exhibit XV, 2nd article.)

EXCLUSION OF JAPANESE IMMIGRATION

Sec. 94. Section "First" of the League's Declaration of Principles reads as follows:

> **"FIRST—Absolute exclusion for the future of all Japanese immigration, not only male, but female, and not only laborers, skilled and unskilled, but 'farmers' and men of small trades and professions as recommended by Theodore Roosevelt."**

Sec. 95. California, as Iyenaga says, has been demanding Japanese exclusion since 1904. This first principle calls for absolute exclusion in the future of all Japanese who may seek to come here in any capacity for permanent residence. This is to prevent increase by direct immigration of an element in our population which for reasons hereinafter set forth, is not only undesirable, but dangerous to American interests. The principle does not aim to dispossess or expel those already legitimately here. Obviously, because of an extraordinary birth rate among those already located here, the natural increase of this element of population may not be prevented.

*Sec. 96. **Japanese authorities are beginning to concede the danger for both countries in continuance of Japanese immigration into this country and the development here of an unassimilable element of population. But their expressed sentiments are at variance with the acts of their people and with the apparent policy of the Japanese Government.** Baron Goto says (Annals of the American Academy of Political and Social Science, p. 109, Ex. XXX), "It is not the intention of Japan to send more immigrants to America. Not only has Japan actually stopped the stream of new immigrants since the

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Gentlemen's Agreement, but she has realized that it is not to her best interest to have too large a number of her race left adrift on the Pacific Coast." The facts do not accord with Baron Goto's expressed belief.

(a) Japan deferred putting the Gentlemen's Agreement into operation for a year, and while negotiating it and prior to acting under it, sent over 46,000 of her people, nearly all laborers, 20,000 of whom came to continental United States and the balance to Hawaii. (Exhibit IV, p. 10, or Exhibit V, p. 226).

(b) She has yearly since sent over a large number as proved beyond doubt by the increase of population, and notwithstanding misquoted and abused statistics.

(c) Now that public opinion has been focussed on her immigrants, she is devoting every energy to the increase of her population here by importation of adult females and the more rapid and effective plan of utilizing the birth rates. Nearly every year since 1910 the number of females sent over exceeded that of males, sometimes being twice as many (Exhibit IV, p. 11 or Exhibit V, p. 228). Since the picture bride plan has been stopped the same result is being accomplished without greater financial cost to the new husband by the new plan. (See Secs. 260-261.) For the year ending August 1, 1921, there landed in our two Pacific Coast entry ports with Japanese passports between 2100 and 2200 newly made Japanese wives who had not been in this country before and who claimed right of entry because of their husband's residence here. The records show that every Japanese woman in California, regardless of age or fertility, is producing at this time one child every three years and two months (17,000 women and 5,320 births for 1921.) It is fair to assume, therefore, that, for the next few years at least, these 2100 or 2200 wives will average each one child each two years, and that the new wives who are permitted to follow in the years to come will do the same. **Why should Japan make a fight for continued admission of her immigrants when Uncle Sam complaisantly permits this very much more effective plan of increasing the Japanese population in this country?**

*Sec. 97. **The policy outlined by the Exclusion League as to Japanese is in accord with the general United States policy adopted and in force for many years as to exclusion of all Asiatic immigration. This policy has its manifestation in the Chinese Exclusion Act; in the Barred Zone Act; and in the Gentlemen's Agreement, which it was understood would carry out the general policy in so far as it must be applied to Japanese, by the instrumentality of Japan herself, and without injuring her sense of pride.**

Sec. 98. This principle calls for absolute exclusion in the future of all Japanese who may seek to come here in any capacity for permanent residence. It does not aim to dispossess, or expel, those already legitimately here. Obviously, the natural increase of this element of population, through an extraordinary birth rate among those already located here, cannot be prevented.

Sec. 99. The policy outlined is in exact harmony with that advocated by ex-President Roosevelt, who, of all our Presidents, was in more intimate touch with the Japanese problem than any other. (See his letter to Congressman William Kent, February 4th, 1909. Exhibit IX, Page 104 of this Brief.)

Sec. 100. The policy outlined is that commended in formal resolutions by the American Legion in its first annual convention at Minneapolis, November, 1919, and again in annual convention of 1920, at Cleveland, Ohio. (Exhibits X and XI.)

Sec. 101. The policy outlined was formally endorsed by the American Federation of Labor in annual convention at Denver, Colorado, June

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21st, 1921, and at Montreal, June 16th, 1920. (Exhibit XII).

*Sec. 102. The policy outlined has been urged by farmers' organizations throughout the country whose attention has been called to the facts. Notable is the action by referendum in the Federation of Farm Bureaus of California (See Exhibit IV, p. 21; also Congressional Hearings, pp. 940-942, Exhibit V) and the demand of the Farm Bureaus of Nebraska that the State Legislature take action—1921. Also note strong resolutions passed by the Federation of American Farmers in session at Stockton, California, June 28th, 1920; the Farmers Educational and Cooperative Union of America, Oregon and Southern Idaho Section, at The Dalles, Oregon, December 5th, 1919; the California Farmers Cooperative and Educational Union, Oakdale, California, December 4th, 1919; the Washington State Dairymen's Association, Everett, Washington, November 3rd, 1919; the Fourteen Counties Association, at Sacramento, California, August 2nd, 1919.

*Sec. 103. A few of the California State organizations and conventions, other than farmers' organizations and those represented by affiliation with the Exclusion League, which endorsed the policy of exclusion, and other protective measures against Japanese peaceful penetration, are as follows:

NAME.	PLACE.	DATE.
State Building Trades Council	Los Angeles, Cal.	March 21, 1921
California Supervisors Assn.	Visalia, Cal.	Feb. 25, 1921
Apartment House Assn. of Cal.	Del Monte, Cal.	Nov. 17, 1920
State Federation of Labor	Fresno, Cal.	Oct. 8, 1920
Republican State Convention	Sacramento, Cal.	Sept. 22, 1920
Calif. Hardware Retailers	Yosemite, Cal.	Sept. 9, 1920
Calif. American Legion	San Diego, Cal.	Aug. 25, 1920
Supervisors Assn. Board of Cal.	San Francisco, Cal.	April 14, 1920
Cal. Meat Dealers Assn. (Retail)	Sacramento, Cal.	Feb 23, 1920
Cal. State Real Estate Assn.	San Francisco, Cal.	Jan. 24, 1920
Cal. Press Assn.	San Francisco, Cal.	Nov. 17,1919
Cal. State Draymen	Sacramento, Cal.	Sept. 6, 1919
Cal. Auto Trades Assn.	Sacramento, Cal.	Sept. 23, 1919

*Sec. 104. A few of the national organizations and state organizations other than those of California, which took similar action, are as follows:

NAME.	PLACE.	DATE.
Retail Furn. Dlrs., West. States	San Francisco, Cal.	Feb. 14, 1921
American Legion Post	Wapato, Wash.	Feb. 4, 1921
Laundry Owners' Nat. Assn.	San Francisco, Cal.	Oct. 15, 1920
Republican State Convention	Carson City, Nev.	Sept. 30, 1920
Veterans of Foreign Wars	Washington	Sept. 15, 1920
Daughters Amer. Revolution	Los Angeles, Cal.	March 2, 1920
Wash. State Amer. Legion	Seattle, Wash.	Oct. 17, 1919
Spanish War Veterans	San Francisco, Cal.	Sept. 4, 1919
Wash. State Conv. Am. Legion	Hoquiam, Wash.	July 15, 1921

*Sec. 105. The American Legion in State Convention at Yosemite Valley, California, August 26, 1921, adopted resolutions for transmission to the President of the United States and to the Japanese Ambassador at Washington for reference to the Emperor of Japan (and with recommendation that the Legion's National Convention take similar action), urging that Japan withdraw her laboring and farming class from this country as a token of friendship to assist in maintaining peace and goodwill, and to show she has no intention of forcing such laboring class upon the people of the United States against their expressed wishes. (See Exhibit XXXVIII.)

*Sec. 106. **The policy of exclusion, so far as it applies to all labor, skilled and unskilled, is that followed rigorously by Japan herself under Imperial Ordinance No. 352 against Koreans and Chinese.** The reason she assigns is that to permit entrance into Japan of such aliens, whose standards of living are lower than the Japanese, would submit their own people to disastrous competition. (See Exhibit XVI, pp. 26-27.) In this exclusion policy and in forbidding ownership of land, the Japanese are following the advice given them in 1892 by Herbert Spencer, as first made public by Lafcadio Hearn, but in forcing their presence on the United States they are ignoring Spencer's approval of America's

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policy of exclusion against Asiatics. (See Exhibit V, p. 1012.)

*Sec. 107. **Canada, Australia, New Zealand and South Africa, dominions of Great Britain, which is a treaty ally of Japan, maintain exclusion laws against the Japanese without protest or complaint from Japan.** The end is accomplished in different ways. In Canada, by limiting annual immigration to 400 and imposing a head tax, while popular demand in British Columbia now is for total exclusion; in Australia, by providing an educational test which is used in a frankly discriminating way against Orientals to enforce absolute exclusion. A few months ago, as reported in a San Francisco newspaper, the Australians forcibly packed 500 Japanese who had been temporarily admitted to the coast as fishermen, in a ship and sent them back to Japan, without protest from that country so far as indicated by published accounts.

*Sec. 108. **At Winnipeg, on August 27, 1921, the Dominion Trades and Labor Congress, in annual session, urged permanent exclusion of all Orientals from Canada. F. W. Welch, delegate from Vancouver, declared that unless something was done now, British Columbia would be under dominion of Orientals within twenty years.** (Associated Press Telegram.)

*Sec. 109. **Absolute exclusion for the future of all Japanese immigration is declared by the Exclusion League to be necessary for the nation's welfare and safety, because the Japanese in mass, or individually, and with rare exceptions, are undesirable as immigrants and citizens, and their presence in this country in increased number is certain to result eventually in racial conflict and international trouble.**

*Sec. 110. They are undesirable as immigrants and permanent residents because they and their children form an unassimilable, alien element which cannot be absorbed in the melting pot of this country, as is possible with most European people. In "Japan and the California Problem," at p.

148. Iyenaga and Sato say: "These arguments implied our belief that the entire problem of the Japanese California situation would finally resolve itself to one crucial point, namely: the question of assimilation. It is our profound conviction that if it be established that the Japanese are unassimilable, then decisive steps —much more decisive than any so far adopted— should be taken by both America and Japan in order to forestall a possible tragedy in the future."

*Sec. 111. **The Japanese are undesirable immigrants because in economic competition their many advantages enable them to drive the whites out of industries and out of communities.** (Sections 160 and following.) The result of this economic condition is certain in time to produce racial conflict, and international trouble with Japan since the white race will not tamely see itself displaced in its own country by Japanese, or any other colored race, without fighting. Obviously, the presence in either country of a large number of unassimilable aliens possessing great advantages in economic competition will cause serious trouble. (See statement of Prof. Yoshi S. Kuno, Exhibit XIII, p. 6, and M. Komatsu, Exhibit XIV, and Prof. K. S. Inui, p. 1000, Exhibit V.)

Sec. 112. **The results, inevitable in California and in other states, if existing conditions continue, are foreshadowed in Hawaii, where nearly half the population is already Japanese, where more than half of the births and new school registrations are Japanese, where Japanese have already economic control in the territory, and where they will rule by a majority of votes within part of a generation.** (Exhibit XV; also Exhibit XVI, pp. 25, 27, 28; also Exhibit XVII; also sec. 84 to 93.)

*Sec. 113. They are undesirable immigrants because, with their economic advantages and their unassimilable character, they combine a birth rate which would enable them, eventually

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under existing conditions, to outnumber and overwhelm the whites. (See Sec. 141 and following.)

*Sec. 114. They are undesirable immigrants because they come here, not with any idea or intention of assimilating and merging themselves and their children into American citizenship, but with the declared intention of creating for the Yomato race in this favored country a permanent and independent position. (Sections 196 and following; also Exhibit IV, p. 19.)

*Sec. 115. They are undesirable immigrants because they maintain within this country a government within a government, the individuals being subject to associations and they, in turn, to consuls acting with authority from Japan, and all used as a unit for the purposes of Japan. (Sections 196 and following.)

*Sec. 116. They are undesirable immigrants because the United States has an established policy against the admission of any Asiatics as immigrants and permanent residents. Of all Asiatics, the Japanese are the most dangerous to the peace of this country, because of their economic advantages, their aggressiveness, the determined purpose with which they come here to establish themselves as a race, and the aggressive and ambitious nation which is behind them, seeking for its nationals permanent establishment as Japanese in various favorable countries.

*Sec. 117. **They are undesirable immigrants because under Federal statutes they are ineligible to citizenship, and must always constitute an alien and unassimilable element.** (Sec. 273.) Japan herself does not permit the expatriation of any of her citizens after they have reached the age of seventeen. Even the American born children of these immigrants are claimed by Japan as her citizens; have applied for or been permitted to expatriate only in one case in a thousand; are trained to do Japan's work; can not, save in extraordinarily rare instances, develop into dependable and loyal American citizens; and their American citizenship is used, and will be used, primarily, for purposes of Japan, always detrimental to the best interests of this country. (Section 219 and following.)

*Sec. 118. The Japanese are undesirable as citizens, not because of any racial inferiority, but because of racial differences and characteristics, which make it impracticable and perhaps impossible for them to assimilate and become good, dependable American citizens.

*Sec. 119. **They CANNOT become good American citizens because heredity, religion, training and ideals at variance with American views, make that impossible.**

*Sec. 120. **They MAY NOT become American citizens because the Government of Japan does not permit the alienation and expatriation of its subjects.**

*Sec. 121. **They WILL NOT become real American citizens because of their belief that theirs is a superior race, and there is no incentive for merging their identity in an inferior one. Their established record in California proves unwillingness to really assimilate, and their demand for citizenship to be prompted by the business and national advantages to be derived therefrom.**

*Sec. 122. Speaking of the possibility of making patriotic American citizens of Japanese who come to America as immigrants at mature age, and with the prime object of making a home, Iyenaga and Sato say in "Japan and the California Problem": "Trained and educated in the customs and traditions of Japan, imbued with the belief, ideas and ideals that are peculiar to Japan, they would not know even how to avail themselves of the opportunity, supposing they were granted the rights and freedom to share in the now forbidden privileges." Reference is made therein to American citizenship and its privileges. How can men and women who are thus described by their countrymen encourage or train their children born in America to become good, dependable American citizens?

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*Sec. 123. Females should be rigorously excluded as is done with the Chinese, because the announced intent in bringing in females is to increase quickly the Japanese population in this country and that increase is for the purposes of Japan. Obviously, a Japanese born here and entitled to all rights of American citizenship is much more valuable to Japan, in peace or in war, than is an immigrant who is ineligible to citizenship. (See Sections 255 and following.)

*Sec. 124. There are few arguments now advanced in favor of Japanese immigration and in opposition to the policy of exclusion. They were answered categorically in a statement before the House Committee on Immigration (Exhibit V, p. 339, or Exhibit IV, p. 20-21).

A NON-ASSIMILABLE ALIEN RACE

Sec. 125. The Japanese, with a few individual exceptions, and even when born in this country, are for various reasons unassimilable, and a dangerous element either as residents or citizens. (See "Japanese in the Melting Pot," in Annals of American Academy of Political and Social Science, Exhibit XXX, p. 29.)

Sec. 126. Perfect assimilation or amalgamation can be had only through intermarriage. This is impracticable for three main reasons: (a) —(b)—(c) following:

(a) A principle enunciated by biologists is to the effect that intermarriage between races widely different in characteristics does not perpetuate the good qualities of either race. The differences between Japanese and American whites are claimed to be so radical as to bring them within this category.

Sec. 127. Iyenaga, in his "Japan and the California Problem," and Prof. K. S. Inui, in statement before the House Immigration Committee in July, 1920, (Exhibit V, p. 998), claim that through long residence in the United States, and after some generations, the result of environment and climate and occupation will be such as to induce biological changes in the Japanese, and approximate them to the composite

American, and that thereafter they would be, perhaps, naturally fitted for intermarriage.

Sec. 128. The answer to this is that the possibility is too remote. Even should it eventually happen, the American whites would have been swallowed up by the Japanese race before this biological change could have taken place.

Sec. 129. (b) A natural pride of race on each side, and in a number of our States the law as well, act as bars against intermarriage. Even in Hawaii, where there is every encouragement for inter-racial admixture, the Japanese have maintained racial purity far beyond that of any other nation and to an extraordinary degree. (See Exhibit XVII, Report of Survey Commission, Bulletin 16, Department of Education, Washington, pp. 25 and 27.) This policy is in accord with the advice of Herbert Spencer, given in 1892, that the Japanese can best preserve their nationality by forbidding intermarriage with foreigners. (Exhibit V, p. 1011.)

*Sec. 130. (c) Another bar to assimilation by marriage is the practical deprivation of social status suffered thereby on both sides of the Pacific. (See testimony of Judge Thomas Burke, Exhibit V, p. 1076.) Add to this that there is rarely an instance of an American woman married to a Japanese which has not resulted unhappily. Again, Eurasian progeny of such intermarriages have no social standing on either side of the Pacific. Read in this connection "A Tragedy of Race," by N. Usami, in the "Outlook," September 21st, 1921.

Sec.131. Language, heredity, religion, ideals, the law and policy of Japan, all militate against and prevent even sociological assimilation of Japanese.

Sec. 132. There is no apparent desire, save in a few individual cases, for assimilation on the part of the Japanese in this country. (See statement of C. Kondo, Secretary of Central Japanese Association of Southern California, Exhibit V, p. 384; also Iyenaga and Sato, in "Japan and the California Problem," p. 18; also Exhibit IV, p. 20, or Exhibit V, pp. 284, 298-9.)

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*Sec. 133. The Japanese pride of race forbids assimilation. They are taught that theirs is the greatest nation on the face of the earth; the only one which has a god for its ruler; and that it is destined to conquer or lead all nations on the globe. Naturally, they are unwilling to submerge their identity in that of an inferior race or races. They have been taught, too, that their nationality can be best protected if individuals decline to permit themselves to be assimilated or absorbed by foreign nations or peoples. (See Exhibit VII, pp. 25-27.) Junzo Sacamori, General Secretary of the Central Japanese Association of Southern California, Los Angeles, says: "There is no question about the superiority of the present Japanese race to most of the other races of the world. Like the Jews, the Japanese feel that it is important to keep the race pure. Even when they appreciate the advantages of a home, the Japanese in western lands hesitate to form alliances with European or American women." (See Exhibit V, p. 1053.)

Sec. 134. The Government of Japan does not encourage, and does not even permit the assimilation of Japanese by foreign races or nations. (See Secs. 200 and following.)

*Sec. 135. Sidney Gulick, after conceding in his pamphlet, "Hawaii's American-Japanese Problem," pp. 14, 19, and 20, the grave difficulties attending conversion of a Japanese into a good American citizen, (See Sec. 196 and following; also Exhibit XVI, p. 26) pleads that we first give them citizenship, and then try to make them good citizens through conversion to Christianity. That would be a most dangerous experiment, doubtful even as to a superficial change in religion, and certain to end in disaster. Before a fair proportion of the Japanese would be converted they would control this country as they control Hawaii. This evangelical experiment is the bait held out by earnest missionaries to the church interests of this country as inducement for sympathetic endorsement of Japan's demands for admission of her immigrants. It is believed, or hoped, by zealous church members that Japan, in return, will encourage Christian evangelization of her people here and in Japan. (See Exhibit IV, p. 17 and 18, or Exhibit V, pp. 242-244.)

*Sec. 136. Nothing could be farther from the facts. Japan does not wish her people to become Christians because Christianity teaches democracy, and democracy would spell ruin for the present government of Japan. Shintoism, (worship of the Mikado), is a wonderful aid in maintaining the unparalleled national solidarity of the Japanese. Of the 150,000 Japanese in continental United States, only 5,000 are claimed even as nominal Christians, although over 50,000 Japanese have been born here. In Hawaii, determined efforts have been made at evangelization with little commensurate result. In Japan, itself, the baptized converts of all sects have cost an average of 200 yen ($100) apiece, while the work of one missionary shows a cost of 4,000 yen ($2,000) per convert. (Chas. A. Perry, in Japan Advertiser, Tokyo, June 20, 1920—Exhibit V, p. 243, or Exhibit IV, pp. 23 and 24.)

*Sec. 137. Christianity apparently has little influence on converted Japanese in matters which appeal to their racial pride or national solidarity. During the Hawaiian sugar strike of 1920, when it was sought to force every Japanese in the islands to aid the strike, hundreds of Japanese members dropped away from the Christian churches, and the actual number now affiliated with such churches is less than 2500. There are 107,500 Shintoists, Buddhists, etc., in Hawaii. (Rev. Frank Scudder, head of the Japanese Department of Hawaiian Board of Missions,—See Exhibit XV, 5th and 6th articles.)

*Sec. 138. The Japanese Government, in the past two or three years, has shown in a practical manner its antagonism to Christianity in the massacre by her troops of Christians in Korea and Manchuria, and in the confiscation by the government of all mission property, created by millions of dollars sent by American religious organizations for Christianization of the Japanese. (Guy M. Walker, letter to the

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New York Sun, July 27, 1920, and Exhibit V, p. 243. or Exhibit IV, p. 18.)

Sec. 139. The Japanese are in speech courteously responsive to suggestions of evangelization. For instance, Baron Goto, in addressing a gathering of Foreign Board Mission Secretaries, at New York, in June, 1919, as reported by the Associated Press, said he was almost persuaded to embrace Christianity; that with slight modifications he could do so. This sentiment, telegraphed all over the country, inspired churches and missionaries with renewed hope. They lost sight of the fact that the Japanese had also accepted Buddhism "with certain modifications," to-wit: the grafting thereon of Shintoism, or worship of the Mikado. Undoubtedly, Christianity will receive more or less general acceptance in Japan when it is modified by the grafting thereon of Shintoism,—and not before.

*Sec. 140. The attitude of American missionaries and churches as to the presence and development of Japanese communities in this country is remarkable in view of the statement of Sidney Gulick, chief spokesman for the Japanese, and for missionaries, on this subject, that in Honolulu in 1915 out of a total of 107 prostitutes, 82 were Japanese.

THE EXTRAORDINARY BIRTH RATE OF THE JAPANESE

*Sec. 141. **The birth rate of the Japanese in this country is extraordinary and very much in excess of that shown in Japan itself.** The reasons are that ninety per cent. of the Japanese who come here from Japan are, according to the records, between fourteen and forty-four years of age—therefore in the prolific period of life; that living conditions and the ease with which they can accumulate money and live better than they could live in Japan, encourage a high birth rate; **but beyond all is the urge made upon them constantly by their newspapers and speakers—to maintain a high birth rate and to accumulate land so they may "permanently establish the Yamato race in this country."** (See Exhibit IV, pp. 7, 8, and Exhibit V, pp. 220 to 224. See also Exhibit VI, pp. 35 to 41.)

*Sec. 142. L. E. Ross, Registrar of Vital Statistics of California's Board of Health, says in an article prepared for the current (October, 1921) number of the Board Bulletin: **"A study of the vital factors affecting the several race stocks in California, as shown by the Vital Statistics records, leads to the conclusion that there is no race within our borders that can compare with the Japanese in rate of reproduction and vitality. Their birth rate is high, and their death rate is low. Japanese mothers have still births less frequently than women of any other race in the State, and the infant mortality is lower than for any race, except the Chinese. In 1920 alone, the Japanese increased their population 5.4% by reproduction, while the white race increased 0.5%, one-tenth as fast."**

*Sec. 143. The birth rate per thousand of the Japanese in California, using the U. S. census as basis, was in 1920 67.6 and for the first six months of 1921, 69.4, nearly four times that of the whites. As the census is wrong, however, the Japanese rate is really about three times that of the whites. Not only is the birth rate superior among the Japanese, but they save more of their infants. In 1920, the still born among the Japanese were 12% lower than among the whites and infant mortality (i. e. death rate of children under one year of age) was 68 as against 75 for the whites. One-third of the total Japanese population of the State are under ten years of age.

*Sec. 144. The Japanese birth rate in California for the past four years with the population based on the U. S. census, as estimated by Registrar Ross, shows a steady increase, as follows:

Year.	Pop. (Jap)	Births (Jap)	Rate (Jap)	Rate (White)
1917	64,072	4,108	64.1	15.7
1918	67,224	4,218	62.7	16.4
1919	70,376	4,458	63.3	16.0
1920	73,528	4,971	67.6	18.4
1921	76,680	5320*	69.4	19.1

*(Based on 2,660 births during first six months).

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The low white birth rate in 1917, 1918 and 1919. is thought to be due partly to lack of registration, which was partially corrected in 1920 by improved registration.

*Sec. 145. The birth rate per thousand of the Japanese in California thus indicated at present, 69.4, is the highest ever known in the world, and in view of the small proportion of adult Japanese women, offers conclusive evidence of the inaccuracy of the U. S. census. The Japanese birth rate thus indicated in the five years is from 3 2-3 to over 4 times as large as that of the whites. In 1919, the Board of Health, by using its own estimate of the Japanese population, 96,000, concluded that the Japanese birth rate was practically three times that of the whites. If the Japanese population be now estimated at 100,000 and even with the increased birth rate shown by the whites, the Japanese birth rate per thousand for the first six months of 1921 is nearly three times that of the whites.

*Sec. 146. **It must be remembered, however, that this comparative birth rate, three times as great as that of the whites (and the whites in California include the prolific races of Europe), was attained in face of the fact that the proportion of adult male Japanese to adult female was between three and four to one, while among the whites it was almost one to one (11 males to 10 females.) This explains why the Japanese in California are reproducing ten times as fast as the whites, as stated by Registrar Ross, quoted in the section above.** (See Sec. 142; also Sec. 96.)

*Sec. 147. It is claimed by the Japanese that their birth rate in California will gradually decrease, but it is evident that even if importation of females is prevented, as with the Chinese, that the proportion between male and female adults will gradually come to equilibrium as American born Japanese reach maturity, and hat with the sexes practically equal in number, the Japanese may reduce their present maternity rate (that is to say, the average number

of children to each wife) to one-third of the present rate and still have a birth rate per 1,000 population three times as great as that of the whites. (See Exhibit XIX and Exhibit IV, pp. 6, 7, 8.)

*Sec. 148. In California, there have been 37,307 Japanese births in the last fifteen and one-half years, increasing from 134 in 1906 to 4,971 in 1920. In the first half of 1921, the Japanese births numbered 2,660, showing still further increase. The Japanese births were ten times as many as the Chinese and eight times as many as the Negro in this period. In 1910 the whites registered 96.63 per cent. of the total births and the Japanese 2.24 per cent. In 1919 the whites had fallen to 90.86 per cent. and the Japanese had increased to 7.82 per cent. (See Exhibit VI, pp. 37 to 41.) In the first half of 1921, the whites showed 90.16 per cent. and the Japanese 7.7 per cent. of the total.

*Sec. 149. **Dr. J. L. Pomeroy, Health Officer of Los Angeles County, testifying before the House Immigration Committee (Exhibit V, pp. 946 to 954) said that in the following districts—Burbank, Covina, El Monte, San Gabriel, Redondo, Gardena, Compton, and Long Beach—there are, outside of incorporated cities, more Japanese births than white births.**

*Sec. 150. In twenty-one registration districts of Los Angeles County, outside of incorporated cities, the total births for the years 1915 to 1919 inclusive, (5 years) shows white births 4,761, Japanese 2,264, Mexican 1,236, other, 38; that is to say, **in these districts the Japanese births were almost one-half as many as the white births, although the whites outnumbered the Japanese eight to one.** In these districts the Japanese number about 13,000 and in the entire county, 20,000.

*Sec. 151. Dr. Pomeroy's tables, Chart D, epitomized at page 948, (Exhibit V) show that in 2002—82 years hence—the Japanese population would equal, and in 2017 would double, the white population of California, assuming that there would be no increase from immigration

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of any kind into the State and assuming the present comparative birth and death rates. Chart E, referred to on the same page, assumes that there would be no increase from Japanese immigration, but that the annual increase of white population, due chiefly to immigration, would remain as at present, and shows that under such conditions the Japanese population of California would equal the whites in the year 2024, a little over 100 years hence. Here again is assumed a continuance of existing birth and death rates.

*Sec. 152. On page 950 (Exhibit V) Dr. Pomeroy states that in some districts in Los Angeles County, one may travel five miles without meeting a white person.

*Sec. 153. Criticism has been made of these tables of Dr. Pomeroy, but it is pointed out that a wide margin may be allowed for decrease in the birth rate or increase in the death rate of the Japanese, without affecting the final result if, as is fairly certain, the two sexes reach an equality in number among the Japanese, since their present maternity rate is nine times that of the whites. **The following statement, however, from L. E. Ross, Registrar of Vital Statistics of the Board of Health of California, may be regarded as the conservative expression of an official who has all the facts before him. "Personally, I am convinced that unless checked, the Japanese will in time equal the whites in California; but the manner in which it will be accomplished and the time it will take cannot be computed from information at present available in the vital statistics records of this State."**

Sec. 154. **In Sacramento County, outside of Sacramento City, in the year 1919, the Japanese births exceeded the white births, although the white population is ten times that of the Japanese population.**

*Sec. 155. **In Placer County in 1919, in rural districts outside incorporated towns, the Japanese births, 99, were more than double the births of all other races combined—47.** (P. G. Ekberg,

County Registrar of Births, testifying before House Immigration Committee, Exhibit V, p. 902.)

*Sec. 156. In Seattle there was in 1920 one Japanese birth for each nine total births; that is to say, the white births were less than eight times as many as the Japanese. (Memorial Seattle City Council to Secretary of State, August 1, 1921, Exhibit XXXI.) The white population of Seattle is 241,000; Japanese population (estimated by the Secretary of the Japanese Association), 7,400. **The Japanese birth rate therefore per thousand population was four and a half times as great as that of the whites in Seattle in 1920.** The proportion between male and female adult Japanese in Seattle is not available, but it is presumably about the same as is found in California; i. e. more than three to one, while among the whites the sexes are practically equal in number. **In British Columbia, during the early portion of 1921, statistics show that out of every thirteen births in the Province one was Japanese.** (J. S. Cowper, Vancouver Sun, Sept. 24, 1921.)

*Sec. 157. On the showing made by these various statistics, it is evident that the maternity rate per thousand in California and Washington is eight to ten or twelve times as great among the Japanese women as among the whites. This is so for two reasons, apparently; first, because practically all the Japanese women marry and bear children; and second, because they are not satisfied with one or two children. The Japanese **wives** in California average three times as many children as the white wives; while the Japanese **women** average nine times as many children as the white women. (See Exhibit VI, p. 41.) With the equality in number between the two sexes which is certain to come about in a few generations even if immigration ceases entirely or if females are hereafter excluded, the Japanese might diminish their average number of children per married woman to one-third of the present record and still have a birth rate three times as great as the whites.

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them are found in the eighteen richest agricultural counties and three-quarters of the entire number are located in seven of the State's fifty-eight counties. Even in those seven counties, the Japanese are concentrated in special districts to a great extent. (See Board of Control report, Exhibit VI, pp. 50 and 51; Exhibit XVI, pp. 30 and 31.)

*Sec. 163. Under development of the conditions indicated, the white orchardist finds in time, even if he is able to secure white labor, that his operating costs are much greater than those of the Japanese who has leased an orchard adjoining, and that he must either face loss in marketing his product in competition with Japanese-grown fruit, or himself lease to Japanese. A California vineyardist in Tulare County found to his astonishment that the work done in his vineyard by ten Japanese under wage was satisfactorily done by six Japanese a year later when he had been compelled by conditions to lease to Japanese, although he still exercised supervisory control of operations. This sort of cooperative competition cannot be met by the whites.

*Sec. 164. **The Japanese therefore are not of any value to the small white farmer since they will not work for him and since they become his competitor as soon as they can lease or own property near by. They drive him ultimately off the farm and into other business. There are more white men working for Japanese in California than Japanese working for whites.** (State Board of Control report, Exhibit VI, p. 101.)

*Sec. 165. The owners of large unimproved land and of bearing orchards lease to Japanese because the Japanese, with the advantages already explained, can pay a higher rental and still make a greater profit than could white men.

*Sec. 166. The methods of the Japanese in securing control of property by purchase or lease, when permitted, is practically the same in

city and country. A desirable district being selected, a high price is paid for one or two pieces; the value of adjoining property drops; and the more Japanese come into the district, the more willing or anxious are the whites to move out, and the lower the market value of the property. In the cities of San Francisco and Sacramento, the Japanese have thus secured practically exclusive control of some of the oldest settled blocks—in San Francisco, on Geary, Post and Bush streets from Fillmore south four blocks, and in Sacramento from "K" to "N" streets in one direction, and from Second to Fifth streets in the other. (See Dr. Elwood Mead in the Annals, Exhibit XXX, p. 52; also Exhibit V, pp. 315; 1226-1228).

*Sec. 167. It has been claimed on behalf of the Japanese that they acted as pioneers in California, bringing to fruitful production lands which the white man could not or would not cultivate. This is untrue. It is answered by their concentration in the richest agricultural counties of the State and their control already obtained of one-eighth of all the State's irrigated acreage. (See Exhibit VI, pp. 50-51; Sec. 162, 170-171.) In the transcript of hearings, House Immigration Committee, 1920, will be found conclusive answers to the assertion that Japanese pioneered in this manner in Florin, Placer County, Sacramento River Delta, Lemon Cove District and elsewhere. (See Exhibits V, pp. 17, 236, 300, 438, 444, 509, 880 and 895.)

*Sec. 168. An example of the first step in this system of supplanting white labor was furnished to the House Committee on Immigration, while in California in July, 1920, when 1,000 Japanese displaced whites in the Turlock cantaloupe district, among the whites being many ex-service men, by offering to pick and pack cantaloupes at 26 cents per crate, while the whites were being paid 35 cents per crate. (See Exhibit XX; also House Immigration Committee Hearings, pp. 856-870, Exhibit V.) The following season, 1921, the whites were working at a reduced scale, 23 to 27 cents per crate, when

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the Japanese again came in in force, underbidding about five cents and taking the work. Then occurred the forcible deportation incident of July 19, 1921. (See Exhibit XXVIII, also Sec. 20.)

Sec. 169. Another instance appears in the action of the Placer Packing Association, of Auburn, Placer County, June 28th, 1921, in dismissing a number of white girls for the reason, assigned by the management, that the white girls, under the State law, could work only eight hours a day, while the Japanese could and would work fifteen hours, and the fruit had to be moved, and the accommodations in the plant did not permit the use of a large force. (See Exhibit XXI, Extracts from Sacramento Bee, June 28th and 29th, 1921.)

*Sec. 170. **For specific instances and the manner in which they have displaced the whites in this method of peaceful penetration, note that in California, according to the State Board of Control's report, page 50, the Japanese had secured control in 1920 of one-eighth of the irrigated lands of the State—the richest of the State. That is to say, the total acreage under irrigation was 3,893,500 acres while the Japanese had control of 458,056 acres.** (See Exhibit VI, p. 50 and also on other pages maps and diagrammatic tables — also Exhibit IV, pp. 14-15.)

Sec. 171. **In four counties of California—Sacramento, Placer, San Joaquin and Colusa—the Japanese have secured control of from 50 per cent. to 85 per cent. of the total irrigated lands, yielding principally fruit and produce.** (See report of State Board of Control, pp. 50 to 51, Exhibit VI; p. 235, Exhibit V.)

*Sec. 172. **The town of Florin, Sacramento County, California, once exclusively white, is now almost entirely Japanese.** In the six districts adjacent to the town, the number of Japanese under 21 already exceed the whites of similar ages, while among children under six years of age the Japanese exceed the whites nearly 50%. The Sacramento County Grand Jury in a report May 31, 1920, says of one of

these districts, "There is evidence here of rapid increase of Japanese to the exclusion of the whites." (See Exhibit IV, p. 7 and Exhibit V, pp. 213 and 214.) A news item in the Sacramento Bee, September 27, 1921, states that of 22 Florin shippers of grapes whose product was represented in a carload leaving for Eastern destinations, 20 were Japanese.

*Sec. 173. In the Turlock District, Japanese now control a large portion of the acreage. (See Exhibit XXVIII.)

*Sec. 174. **In the farming district contiguous to Seattle, Washington, in ten years past one-half to three-quarters of the Americans have been displaced by Japanese.** (See Memorial Seattle City Council to the Secretary of State at Washington, August 1, 1921, Exhibit XXXI).

*Sec. 175. Even if the present California law is made entirely effective against possession or control of agricultural lands of the State by Japanese immigrants, notwithstanding their efforts to make use of the citizenship rights of American-born minor children for the purpose, it is only a question of time when such children will come of age and be entitled to unrestricted possession and use of any land which they can purchase. If the Japanese population continues to increase in accordance with present conditions and predictions, it seems inevitable that most of our best lands will pass into the hands of a race which at present is unassimilable.

*Sec. 176. In Hawaii, the Japanese now furnish 60 per cent. of the farm labor, and number four times as many as any other race represented in the territory. (See Sec. 75 and 90-92; Exhibit XVII, pp. 12-13; also Ex. XL, p. 219.)

*Sec. 177. A combination of local agricultural associations under several directive bodies, with absolute control of every individual, enable the Japanese to use their numbers and economic advantages with telling results. (For information as to those organizations see Sec. 203 and following.)

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*Sec. 178. It is not surprising to learn that they raise in instances 90 to 100 per cent. of certain classes of produce in California and a rapidly increasing per cent. of others (see Board of Control report, pp. 49 to 52); that they control markets and make the white man pay therefor in raise of prices. (See Exhibit V, p. 237); that within a year their organizations have been modeled with the idea of a monopoly of the markets on the theory, duly explained in their newspapers, that the anti-trust law expressly excepts the farmers from its operation by recent amendment. (See Exhibit IV, p. 15; Exhibit V, p. 237. Also see Board of Control report, Exhibit VI, p. 103.)

*Sec. 179. The "Japanese New World" (Nichi Bei), San Francisco, of March 8th, 1921, Oakland column, states that the Japanese Business Men's Association of Oakland is planning a vegetable market, since Italians and Jews principally have the vegetable markets in that city, and that 70 per cent. of their products is raised by Japanese, and from 80 to 90 per cent. of grapes, fruits, strawberries, etc., brought from the Sacramento and San Joaquin Valleys, have Japanese names on the boxes. The percentage of total of each crop delivered to canneries, which is supplied by the Japanese, is shown on page 50 of the Board of Control's Report. (See Exhibit VI.)

*Sec. 180. To the declaration that we cannot raise products or continue the cultivation of orchards and vineyards in California without the Japanese, the answer is that such things were done before the Japanese came; that the Eastern States all raise many similar crops without the aid of the Japanese; that the presence of Japanese in this State is one factor which prevents us securing white labor for field work and is driving the California farmer off the farm; and finally, that if it be true we cannot raise fruit and garden truck without the Japanese, it were better to cease raising these crops. Hawaii thought she could not grow sugar-cane without the Japanese, and now she is

begging the Federal Government to save her from the Japanese. Natal, in South Africa, imported Indians from Asia to supply labor shortage and now the Indians outnumber the whites and threaten their control of the province. It is probable that white labor will be available in California under favorable conditions. (See Board of Control report, p. 106, and recent experiment in supplanting Japanese with whites in Placer Co. (See Exhibit XXXVII.)

*Sec. 181. **The judgment of the white farmers (not the owners of large unimproved tracts of land) in California on this subject is sufficiently demonstrated by this fact. In August, 1920, the State Federation of Farm Bureaus of California held a referendum on various topics, some of them connected with various phases of the Japanese problem. In this Federation are represented 33 clubs and over 20,000 farmers—the great majority of the farmers of the State. The returns from that referendum showed on various topics the following results: Against Japanese immigration, 12 to 1; against leasing land to Japanese, 12 to 1; against ownership of land by Japanese, 40 to 1; against Japanese as bonded laborers, 7 to 1; against importation of "picture brides," 27 to 1.** (See Exhibit IV, p. 21.)

*Sec. 182. The Japanese do not confine themselves to control of farm labor, farm industries and the marketing of farm products. In fact, like the white man, they get away from the plantation and farm labor when they can, drift into trades and small business and supplant the white man and woman as effectively in these lines of occupation as on the farm. In Hawaii, many of the Japanese are in trades. In Seattle, they have already a labor union affiliated with the Seattle Labor Federation. In Exhibit V, House Committee Hearings, commencing at page 1109, will be found a list of 1462 businesses conducted by Japanese in Seattle and, naturally, supplanting the direction and labor of a great many whites therein—for these occupations cater much more to the needs of the whites than to those of the Japanese. In Los Angeles

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they control the fruit and produce markets and are threatening small grocery stores, etc. American Federation report of 1920, page 130, declares that Japanese "are encroaching upon the work of the men employed in the ship-building industry on the Pacific Coast. Many local unions have passed resolutions calling upon Congress to extend the Chinese Exclusion Act to cover all Orientals."

*Sec. 183. In an article in the Los Angeles Daily News, (Japanese) May 14th, 1921, attention of the Japanese is called to the fact in connection with ownership of land in California, that the complaint of the Japanese rests properly, not with the land law, but with the framing of the treaty, which does not grant them the privilege of owning or leasing agricultural land. It advises them, therefore, not to return to Japan, but to strive for success in lines of business activity—restaurants, hotels, laundries, bakeries, etc.

*Sec. 184. **The Japanese Year Book proudly boasts of the fisheries controlled by the Empire of Japan, among them being those of Hawaii, of which they have a monopoly, (See Sec. 93), and Southern California, of which they have control. It is to be noted that in the California case, at least, they are acting in defiance of Federal statutes which do not permit aliens to engage in this fishing** (Board of Control, Report Exhibit VI, p. 92) and that Washington authorities to whose attention the matter has been called, have declared themselves powerless because the Federal statutes do not provide a penalty. (See Exhibit V, pp. 238, 239 and 362.) The States of Washington and Oregon, and the Territory of Alaska prevent such fishing by their own laws. A similar measure introduced in the California Legislature of 1921 was defeated by the combined efforts of the Japanese and the canning interests. (See Exhibit V, p. 360; Editorial "Pacific Fisherman," Nov. 29, 1920; clippings from "Sacramento Bee," April 16 and 19, 1921, Exhibit XXXIV.)

*Sec. 185. This control of fishing fleets by aliens, and particularly by Japanese, is a serious matter. The vessels in time of war become auxiliaries to the navy, but even if commandeered for the purpose, cannot be used until manned by crews of American citizens, trained for the purpose. When we went into war in 1917, these vessels were useless to us for nearly six months until crews could be trained. (Miller Freeman in "Pacific Fisherman.') In contrast, note the wonderful service secured by England from her fishing fleets during the war. The California-Japanese fleet has materially increased the Japanese population of California by aiding surreptitious entry from Mexico. (See Exhibit VI, p. 176; Exhibit V, p. 239.)

*Sec. 186. Marshall De Motte, Chairman of the State Board of Control of California, says in an article in the Annals of American Academy (Exhibit XXX, p. 22): **"May we transfer our problem to other parts of the country? What would be the effect if one-sixth of the best farming land in Iowa or Ohio had been taken over inside of twenty years by unassimilable aliens? Suppose one-third of the fruit and garden truck industry of New York, Georgia or Florida, or all of the potatoes raised in Maine, had passed from the hands of citizens into the hands of people who cannot become citizens. The fishing fleets of New England were formerly the schools for American seamen. Suppose one-third of these fishermen were suddenly found to be aliens who could not serve our colors in case of need. Suppose the great fishing fleets of England and France had been alien during the war or that ours became alien and a war began. Suppose one-sixth of the editors or teachers were such aliens, or suppose that one-sixth of the preachers were aliens bowing down to another idea of God and teaching a religion linking Deity with a foreign ruler as twin images of adoration. Just suppose."**

*Sec. 187. In States outside California the Japanese have commenced their policy of peace-

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ful penetration. For the control secured by them of business, commerce and agriculture in and near Seattle, Washington, see statement of Miller Freeman before House Immigration Committee, June, 1919; also in Exhibit V, pp. 1109-1122; also section 182 of this brief. In the Yakima Valley, through leases from Indians in the Indian Reservation, they have secured control of a large acreage, and protest was made to the Secretary of the Interior first by Wapato Post American Legion, and afterwards by the State Conventions of the Legion that such leases, contrary to State law, should not be allowed on Federal controlled land. Secretary Fall was quoted in recent press reports as agreeing to forbid such leases.

Sec. 188. In Oregon, Japanese have secured control of a considerable portion of the Hood River apple district. (See House Immigration Hearings, Exhibit V, pp. 1467 and 1479.)

Sec. 189. In Colorado the Japanese have secured control of 85 per cent. of the Rocky Ford melon district and its crop. (See "Country Gentleman," issue August 16, 1919. See also House Immigration Hearings, Exhibit V, p. 353.)

Sec. 190. In New Mexico control of the cantaloupe and cotton crop by Japanese is threatened in the Mesilla and Pecos Valleys. (See House Immigration Hearings, Exhibit V, p. 352.)

Sec. 191. For systematic attempts at colonization in Texas, Florida and other States, see translations from Japanese newspapers in the Sacramento Bee, used as exhibit in House Immigration Hearings, at pages 408 and 409.

Sec. 192. It is knowledge of such matters that has induced defensive action on the part of a number of other States since January 1st, 1921. (See House Document No. 89, 67th Congress, 1st Session, June 2, 1921, presented by Hon. C. F. Curry, "Alien Land Laws and Alien Rights," Exhibit VII.)

*Sec. 193. **The approaching menace to the white race in this country of which California gives warning, is inevitable in any country**

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claimed by the white man in which the Asiatics of low standards of living and high birth rate secure a foothold. An instance is furnished in the Union of South Africa by the results of immigration from India. In Natal, there are already more Indians (135,000) than white men "breeding at a great rate and sufficiently numerous and wealthy to menace seriously the position of the British in that province." "In Transvaal, the situation is rapidly becoming acute." "Mauritious is already far on the road towards an Indian province." "Orange Free State has saved herself by permission to maintain under the Union the anti-Asiatic laws previously in force." The importation of the Indians started originally, as with the Japanese in this country, for development of industries of the colonies. (See "The Asiatic Invasion of South Africa," in Nineteenth Century Magazine, July, 1921, p. 118.)

*Sec. 194. **In the nitrate ports of Chile and Peru, Japanese occupy solid districts and have secured control of many lines of business. In Lima, nearly every market stall is kept by Japanese and the Lima newspapers have called on the Government to protect the Peruvian people who are rapidly being displaced.** Japanese immigration has increased largely since the war, there being at times two to four steamers in a single port from Japan with cargo and immigrants. (Correspondence Los Angeles Times, August 8, 1921 Exhibit XXXIII.) Edward Alsworth Ross, in his book "South of Panama," tells how the South American Pacific S'ope is being permeated by Asiatics, who arrive there by thousands yearly. He declares that a great Japanese statesman told him that "South America, the northern part, will furnish ample room for our surplus," his view apparently being that probably by the close of this century, South America will be the home of twenty or thirty millions of Orientals and descendants of Orientals. (Admiral Sir Cyprian Bridge, G. C. B., in San Francisco Argonaut, October 1st, 1921.)

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Sec. 195. Tunisia, a French protectorate in North Africa, furnishes a striking warning for the United States in this matter. France, many years ago, tried to make it a French colony, and offered special inducements to French immigrants so that in time the French exceeded all other Europeans in number in the colony. Then the French Government rested, thinking that its work was well done. It committed, however, a grave blunder. It admitted a number of Italian immigrants. The number was small, and cut no figure as compared with the resident French population. Possibly the Italians were admitted to do some of the labor which the French preferred not to do. The stork labored for the Italians and did not labor for the French, with the result that the Italians very steadily and rapidly increased in number, while the French slowly decreased. Today, Tunisia, though still a French protectorate, is an Italian colony, in which the French population cuts very little figure. If, however, the United States should become a Japanese colony through immigration and extraordinary birth rate, Uncle Sam will find himself powerless to exercise a protectorate over the country.

A GOVERNMENT WITHIN A GOVERNMENT

*Sec. 196. The utterances in speech or press of the Japanese in the United States, intended for consumption among their own people, show conclusively that there is neither the intention nor the desire to merge their identity in that of assimilated American citizens, but—as they, themselves, express it—to secure for the Yamato race a permanent place on this continent. Their people are constantly urged to beget children, and secure land, as the most effective means of permanently establishing their race here. (See Exhibit XXII; also Exhibit V, pp. 409 and 410.)

*Sec. 197. **Not only among those who come from Japan, but also among those born here and accorded full privileges of American citizenship, is plain the desire on the part of individuals, and the intent on the part of the Japanese Government, that they shall remain permanently loyal citizens of Japan.**

*Sec. 198. The impracticability of making real trustworthy American citizens out of Japanese even when born under our flag and given all privileges of citizenship has received convincing demonstration in Honolulu within the past year. (See Section 84 and following; also Exhibit XV; also Hawaiian hearings before House Immigration Committee, July, 1921, Exhibit XL.)

* Many prominent residents of Hawaii have believed that Hawaiian-born Japanese were being assimilated into good loyal Americans. They no longer believe so. Witness the following statement from Joseph Timmons (Exhibit XV, 7th article): **"Scores of intelligent, conservative, solid Americans, among the best known in the islands, told me they did not believe a single Hawaiian-born Japanese could be trusted to fight for America against Japan or to take the American point of view in any matter of controversy with Japan."**

*Sec. 199. The Japanese in this country while they do not figure usually in the police courts and are therefore classed as peaceful and law-abiding citizens, **show a most determined and defiant attitude in evading or violating any agreement or any law which would interfere with their carefully organized program of peaceful penetration and the permanent establishing here of a large Japanese population.** The basic foundation of their plan rests on securing land and begetting many children, thus securing economic control, racial numbers, and the privileges of American citizenship. Their record in this matter both in deeds and in the pronouncements of their speakers and newspapers is such as no other race has made here and such perhaps as no other race would dare to make. (See Annals of American Academy of Political and Social Science, Exhibit XXX, pp. 53-54; statement of Elwood Mead, Professor of Rural Institutions, Univ. of California, and President of State Land Settlement Board; also see Sec. 219 and following.)

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*Sec. 200. Japan claims as her citizens, bound to obey her, to do her will and to use their position here for her purposes, all the Japanese in continental United States and in Hawaii, whether immigrants or **American born (upwards of 290,000) with the exception of 64 to whom she has granted the right of expatriation.** (Sec. 229.)

*Sec. 201. Japanese from Camp Schofield, Hawaii, sworn in as American soldiers and wearing the khaki of Uncle Sam, applied, as Japanese citizens, to the Japanese Consul at Honolulu and secured his consular certificate entitling them to bring over picture brides from Japan. The ultimate object was to aid in increasing the Japanese population of Hawaii and thereby hasten the time when Japan would control Hawaii by force of numbers. (Joseph Timmons, Exhibit XV.)

*Sec. 202. The methods pursued by Japan in preserving the loyal and active nationalism of the Japanese born under our flag (over 100,000) and given by us the privileges of American citizenship, are partly explained in other portions of this brief. (See Sections 221 and following) as are also the close surveillance and jealous watch she keeps over them as well as over those who come here as immigrants. Within the past few months she has established the policy of paying the expenses, both ways, of her nationals in the United States who return to Japan temporarily, under orders, to perform their conscription duties.

*Sec. 203. Japan has gone farther. She not only has encouraged or forced the growth in our midst of an alien, unassimilable element (she has more of her nationals located in continental United States than in any country outside of her own domains, except on the continent of Asia) and has insisted that it remain alien and unassimilated, but she has organized and **maintains here a government within a government which rules the entire Japanese population living under the American flag.** She has an elaborate system of organization by which they

are controlled ostensibly by some of their own number, but really by the official representatives of Japan. Thus they are held together for solidarity of action, and such action is naturally for the benefit of themselves or of Japan; and also, usually, either directly or indirectly, opposed to the vital interests of this country. (Prof. Yoshi S Kuno, Exhibit XIII.)

*Sec. 204. On the Pacific Coast, the system includes local associations and district agricultural associations, which are subject to main central associations, one of which is located at each of the five consular ports on the Coast—Los Angeles, San Francisco, Portland, Seattle and Vancouver, B. C. These main associations are managed and controlled respectively by the resident consul of Japan. (Statement of Prof. Yoshi S. Kuno, Exhibit XIII, p. 4.) These five central associations held a council for some days in San Francisco, commencing July 18, 1921, at which were received elaborate reports on various phases of the existing Japanese problem, and action taken thereon. (See Exhibit XXXV.)

*Sec. 205. At San Francisco is located the office of the Japanese Association of America, controlling Japanese interests in the 47 counties of California north of the Tehachapi Mountains and, in the States of Nevada, Utah and Colorado, exacting assessments from subsidiary organizations and furnishing legal services, expert agricultural advice, etc., for the members thereof. (See testimony, K. Kanzaki, Secretary, Exhibit V, pp. 53 to 56.) The Japanese Consul at San Francisco dictates the election of officers and management of this association. (Statement of the Japanese newspaper at San Francisco, "Nichi Bei," January 29, 1920, translation appearing in Exhibit V, pp. 392 and 393). Under this association are 39 district and agricultural associations. (Statement of the Secretary, K. Kanzaki, in Exhibit V, p. 54.) A conference of the San Francisco directive association and its affiliated minor associations was held at San Francisco, July 18th, 1921. (See Exhibit XXIV.)

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*Sec. 206. Individual Japanese whether immigrants or American born are in effect compelled to obey orders transmitted through local associations because without request from such associations the Japanese Consul will not issue certificates necessary for the individual in his business or personal relations; for instance, permit for a picture bride, or to visit Japan and return, or to conduct business with Japan, etc. (Statement of Prof. Yoshi S. Kuno, Exhibit XIII, p. 4.) Further proof thereof is found in the published proceedings of the Pacific Coast Council referred to in Section 204, wherein report is made of the effort to have the Japanese Foreign Office at Tokyo allow certain changes in the fees fixed by it and collected by the subsidiary local associations for their endorsement of requests made by individual members for consular certificates, etc. (Exhibit quoted in Sec. 204 above.)

*Sec. 207. These various organizations are effective in enabling the Japanese to drive the whites out of industries or localities in economic competition. They make it their business to move Japanese laborers from place to place as the crops and conditions suggest, as for instance in the Turlock cantaloupe district; they assist in securing control of markets and otherwise promoting the interests of the Japanese colonists as opposed to those of white citizens. Through them, too, the Japanese Government takes a census of its citizens in this country, whether immigrants or American born, and sees that they are listed for conscription duty and that they respond to that duty, etc. For instance, "Nichi Bei" of San Francisco, May 3, 1921, called attention to the punishment of Kikosaburo Jimbo, of Sacramento, for failing to report for conscription, and cites it as a warning "to all Japanese residents of military age."

*Sec. 208. **The extent to which this power is used is indicated in the case of Prof. Yoshi S. Kuno, a Japanese professor in the University of California, who was ordered by the Japanese Consul at San Francisco to teach nothing in his classes of Oriental languages and history which might lessen the prestige of Japan. When Prof. Kuno declined to mislead his class students in such matters, he was ostracized by the various Japanese organizations and formal demand was made on the University for his expulsion from the faculty.** (See statement of Prof. Kuno and the President of the University of California, Exhibit XIII, pp. 4 and 5.)

*Sec. 209. **Prof. Kuno charges also that Japan has followed where she could the plan of installing in American Universities Japanese and American professors who would serve as Japanese propagandists.** He cites specific instances, among them that of Ichihashi, instructor in Japanese history and government, and lecturer in economics at Stanford University, whose salary, as shown by the University records, was paid by the Japanese Consul at San Francisco. T. Iyenaga, Editor of the East and West News, a publicity agent for Japan on the Atlantic Coast, as K. K. Kawakami is on the Pacific Coast, is advertised by his publishers as Professor of Political Economy at the University of Chicago. He was also professorial lecturer at Columbia University. The Korean Commission states that Iyenaga is paid $5,000 per year, in addition to traveling expenses and maintenance of office, by Japan, for his services. His collaborator, Kenoske Sato, is advertised as a former Fellow of the University of Chicago. Professor K. S. Inui, who has been soliciting opportunity to present the Japanese side of the present question to civic clubs in the Eastern States, is a member of the faculty of the University of Southern California (Methodist.)

*Sec. 210. **Prof. Kuno makes the charge that Japan is deliberately conducting propaganda in this country at a great expense as Germany did before the war, to mislead and deceive the American people as to the facts and as to Japan's intentions.** (Exhibit XIII, pp. 3 and 4.) It was stated recently by the Korean Commission at Washington that Japan's annual ap-

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propriation for propaganda in China and the United States is 30,000,000 yen ($15,000,000), but the apportionment of the appropriation between the two countries was not known. The Boston Transcript declared editorially within a few months that Japan is spending $1,000,000 a year in this country for propaganda.

*Sec. 211. It is certain that the public libraries of this country have on their shelves a mass of propaganda in the guise of alleged correct data as to Japan and her people and what they have done and are doing in the Far East and in this country. In a number of cases, it appears that data giving correct information as to Japan and her policies have disappeared from public libraries. In a letter, A. V. Fabian, Assistant to the President of the Northern Pacific Railway, wrote from St. Paul that being asked to give a talk before a local civic body on the Japanese question, he went to the public libraries in that city and found the only information available was from Japanese, or pro-Japanese sources, usually in presentation volumes, and generally misleading or untrue in statement of the facts.

*Sec. 212. Much of the Japanese propaganda work in this country is done by American missionaries acting doubtless usually in good faith and inducing sympathetic action on the part of church organizations with which they are affiliated. Much is done by Japanese societies organized for the ostensible purpose of promoting better feeling and closer commercial relations between the peoples of the two countries, but cleverly using the American members for Japan's purposes. Some of the effective work is done by Americans of standing and business repute who have been the recipients of high honors in Japan, who have conceived a great admiration for the Japanese people, but who have no knowledge of what they have done and are doing in this country, notably in Hawaii and California. (See Professor Kuno, Exhibit XIII; also Exhibit XVI, p. 23.)

*Sec. 213. The manner in which the American public has been misled, and churches and missionary organizations made use of in this regard is remarkable. One reason therefor appears in Sec. 135-140; Sidney Gulick, a missionary who has spent most of his life in Japan and is a professor in the Imperial University of Tokyo, has been in this country for seven years on leave as leader of the Japanese propaganda. He secured early and has utilized continuously since, the endorsement by the Federal Council of the Churches of Christ of America of his "New Oriental Policy," which was to open our gates to all Orientals on equal terms with Europeans as immigrants and citizens. He induced one thousand prominent citizens of the United States to act as sponsors for his percentage plan of immigration on the theory that it would restrict undesirable immigration. They were organized as the League for Constructive Immigrative Legislation.

* Many of them have since repudiated the organization as they found that the Gulick Bill (framed to carry out the plan and presented in the name of the League to the House Immigration Committee in June, 1919) threw open our gates to Orientals, and as originally presented would have flooded us with Japanese. (See Exhibit XVI, p. 24 and following, and p. 37 and following.)

*Sec. 214. Because of this elaborate propaganda, it has been a difficult task to awaken the American Nation to a realization of this very serious condition; and the Japanese have been encouraged to interfere in local and state matters to an astonishing degree. They have boasted of the manner in which they interfered with and prevented legislation in Oregon and Idaho in regard to alien ownership of land; in California they raised a fund of $100,000 for the declared purpose of blocking legislative action at the session of 1921. (See Exhibit V, pp. 342 and 394, or Exhibit IV, p. 22.) In Nebraska at the legislative session of 1921, and

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at the preceding one, the Japanese Consular office at Chicago sent a representative to back up the demand of the Japanese Association of Nebraska that there be no prohibition of alien ownership of land. (See Exhibit XXXVI). Public charges were filed with the Secretary of State at Washington, as announced in the newspapers, against the Japanese Consul at Los Angeles for using his consular position to influence the votes of the citizens of the State at the November, 1920, election (See Exhibit XXXIX) and at Seattle the head of one of the large Japanese steamship companies gave out an interview in which was contained the veiled threat that the terminals of all Japanese steamship companies might be moved to Vancouver if Washington passed an alien land law. (See Exhibit XXXIX.)

*Sec. 215. At the annual Conference of Federation of Missions in Japan, held at Karuizawa August 4th, 1921, a resolution was passed without discussion or a dissenting voice providing for the preparation of a text book setting forth the "true situation" in Japan, for use of the schools in the United States. The so-called American school at Tokyo, supported largely by funds from Americans but admitting children of all nationalities, including Japanese, has introduced a new compulsory course in "Things Japanese" for the purpose of informing the children (and indirectly their parents) as to the "true situation."

Sec. 216. The Japanese daily newspapers published in the leading cities of the Pacific Coast, San Francisco, Sacramento, Los Angeles, Portland, Seattle and Vancouver, and of Hawaii, are open advocates of the claims of Japan and the demands of the alien Japanese communities as against the interests and even the laws of the United States. Some of the declarations made in these papers are stronger than anything dared in any German language newspaper either prior to or immediately following our declaration of war against Germany. (Exhibit IV, pp. 4 and 23.) In Honolulu, the four

daily Japanese newspapers have 50% more circulation than the two American newspapers. (Joseph Timmons, Exhibit XV.)

*Sec. 217. **The Japanese have inaugurated a campaign in this country intended to stir up the colored race against the whites on the plea that the agitation against Japanese immigration is based on racial prejudice and an indication of a national policy against all colored races, from which the negroes must suffer in time.** In California, during the initiative land law campaign in the fall of 1920, the negroes were urged to make common cause with the Japanese. T. N. McKinney, a negro, organized the "American League of Democracy" and made speeches and sent out literature furnished by the Japanese Associations. He was later given a public reception at Tokyo and Yokohama because of this work. Japanese delegates attended the negro convention held in New York in January, 1919. Shoichi Mitari, New York correspondent of the "Asahi" newspapers published at Tokyo and Osaki, declared Japan's purpose is to unite all the colored races. An editorial in the "Negro World" declared that unless the negroes have justice in this country, a war will break out between blacks and whites and the blacks will win if Japan aids them. (See Exhibit XV, 11th article.)

*Sec. 218. No other alien race has done or attempted, while enjoying the privileges of residence in the United States, and with or without the encouragement or direction of its Government, the things in subversion of the interests of this nation which are being done by the Japanese. No other race which comes to our shores, whether classed under our laws as eligible or ineligible for American citizenship, has offered such conclusive evidence in the established records of being an element dangerous to the country's future and to the existence here of the white race.

DUAL CITIZENSHIP

*Sec. 219. The problem of "dual citizenship," offering serious complications in any case, be-

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comes a positive menace to the Nation in the case of the Japanese.

*Sec. 220. The United States does what no other nation on earth does, grants full rights and privileges of citizenship, unasked, to anyone born under the flag, regardless of parentage and affiliations, or the obligations imposed on children of foreign parentage by their respective nations, or the desires of the parents, or what future inquiry may disclose as to the desire or fitness, or possible loyalty of the young citizen.

*Sec. 221. With the American-born children of other nationalities this policy does not offer so grave a menace to American institutions as with the Japanese, for Japan insists that a child, born of Japanese parents anywhere, is always a Japanese, and she provides carefully that the child shall be instructed in and perform all the obligations of Japanese citizenship regardless of the views of any other nation. A German, or a Frenchman, or an Englishman, or a Turk may receive American citizenship and his government formally or tacitly acquiesces therein. In the case of the Japanese, that occurs never with immigrants, and so rarely with American-born children under existing conditions, as to be practically never.

*Sec. 222. The child of Japanese parentage—even if his forebears for generations were born on American soil and recognized therefore by this nation as American citizens—is claimed by Japan as a citizen of Japan and must meet his obligations as such. Between the ages of 17 and 40 he is a soldier of the empire and must perform his duty as such or be punished, personally, through local associations and consular power, or vicariously, in the person of his blood relatives in Japan.

*Sec. 223. That child in this country is forced to attend separate Japanese schools, presided over usually by Buddhist priests, where he is taught the language, ideals and duty of a Japanese. These are the schools, as conducted in Hawaii, which were denounced by a Survey

Commission of our National Department of Education, Bulletin No. 16, 1920 (Exhibit XVII) as un-American, if not anti-American, and whose abolishment in consequence was recommended. (See Secs. 88 and following, and Exhibit V, pp. 281 and 282; also Exhibit VI, pp. 197-8.

*Sec. 224. In addition: Many American-born Japanese are sent to Japan for their education, going between the ages of 8 and 10, and returning between the ages of 17 and 19. (Statements, Commissioners of Immigration, at San Francisco and Seattle, Exhibit V, p. 383.) There are at the present time over 5,000 California-born Japanese (say 16% to 20% of the total number living) in Japan for the purpose named (testimony Secretary Japanese Association of America, Exhibit V, p. 212; also Exhibit V, p. 283.) Of Hawaiian-born Japanese children, there are now in Japan over 13,000, according to Japanese authority, but more nearly 20,000 according to American immigration authorities. (Joseph Timmons, Exhibit XV, Article No. 3, Mar. 22, 1921.) These children are properly a part of the Japanese population of Hawaii and California, since they will return. Prof. Gibson, County Superintendent of Schools, Hood River, Ore., says 90% of the Japanese children in his district are sent back to Japan for education. (See Exhibit V, p. 1243; see also testimony of R. B. Scott, Exhibit V, pp. 1239-1244.)

*Sec. 225. Most of these children will return to the United States and Hawaii between the ages of 17 and 19. The reason is not only that their education may be sufficiently completed by that time, but after seventeen years of age (when his duty to the army commences, continuing until he is 40) a Japanese boy may not, under any circumstances, be granted the privilege of expatriation by his government. They return then to resume their rights and privileges as American citizens by birth, and **to use such rights and privileges for the ends of Japan in peace and in war** (Exhibit XXIII.)

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*Sec. 226. In Exhibit V, p. 411, appears an article from the issue of June 10, 1920, of "The Northman," a Swedish publication printed at Portland, Oregon, in which Miss Frances Hewitt, who spent six years in Japan teaching English to Japanese school children in the public schools there, says: "Neither do the tourists learn that these children are taught that they, being children of the Son of Heaven, are superior to all foreigners, and that their natural destiny is to bring all other peoples to subjection."

*Sec. 227. Americanization of a Japanese who comes here as an immigrant is practically impossible (See Secs. 131 and following.) Americanization of an American-born Japanese who receives this separate school education, here or in Japan, and who lives in the Japanese environment, is almost equally out of the question. Sidney Gulick, prominent proponent in this country for the Japanese, explains, in a leaflet on the conditions in Hawaii, published in 1914, why a few years in an American public school cannot wipe out the effect of Japanese ideals and Japanese environment, and says (Exhibit XVI, p. 25):—

> "If, as Asiatics, they maintain their traditional conceptions of God, nature and man; of male and female; of husband and wife; of parent and child; of ruler and ruled; of the State and the individual; the permanent maintenance in Hawaii of American democracy, American homes, and American liberty, is impossible."

*Sec. 228. *In "Japan and the California Problem," at p. 86, Iyenaga and Sato say:

> "At any rate, Japan does not wish her subjects to become naturalized, nor does she encourage them to lose their racial or national consciousness. * * * It is likewise observable in the spirit of Japanese education, which is fundamentally nationalistic. * * * * This together with their nationalistic training and education renders the assimilation of the Japanese exceedingly difficult."

*Sec. 229. The viewpoint of the Japanese government and of the Japanese, and their determination that foreign born Japanese shall not be assimilated and absorbed by other nations but shall remain true and faithful sons and daughters of Nippon, are conclusively demonstrated by these facts: There are in continental United States today not less than 35,000 American-born Japanese (Gulick); and in Hawaii not less than 60,000 (See Joseph Timmons, Exhibit XV.) Under the Expatriation law of Japan, every one of these children, on whom is freely conferred the privileges of American citizenship, could have made application, through parents or guardians ,at any time before reaching seventeen years of age, for permission to expatriate. According to official statement from the Japanese government (Exhibit XXIII), exactly 73 had so applied and the government had granted the request in 64 cases. That means (a) either the children did not wish to relinquish Japanese citizenship; or (b) the Japanese parents would not consent; or (c) the parents feared to prefer the necessary request to the Japanese government. In either event, what kind of an American citizen could be made of a Japanese developed and held under such influences? **These figures show that less than one in a thousand of our citizens of Japanese parentage are in position where they can exercise their American citizenship rights for the benefit of this government, and not for the benefit of a foreign power whose interests are quite different from ours, and may be inimical.** But even these 64 expatriated Japanese, under Japanese law, may automatically resume their Japanese citizenship by establishing a domicile within the bounds of the empire of Japan. (See Kuno, Exhibit XIII.)

*Sec. 230. The grave danger attending continuance of our present national policy of dual citizenship, particularly as applied to the Japanese, is sufficiently demonstrated above. Various national organizations and several State Legislatures have called attention thereto in memorials addressed to Congress, and urged the

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adoption of a Constitutional Amendment restricting American citizenship by birth to those, both of whose parents are eligible to such citizenship. Measures looking to adoption of such an amendment, have been introduced in Congress.

*Sec. 231. As likely to incur less opposition, to be more readily secured, and to meet in future possible change of conditions, it is suggested that an amendment be adopted granting to Congress the right to restrict from time to time the right of American citizenship by birth, so as to safeguard the permanent interests of the nation. Certainly no child of alien parentage, claimed as citizen by a nation whose laws as to citizenship are so strict, and so severely enforced as are those of Japan, should be accorded rights and privileges of American citizenship simply because of the accident of birth under our flag, unless and until (1) his own country had formally and permanently relinquished all claims upon him, and (2) proof has been furnished that his education, environment, and ideals are such as to make it possible to mould him into a useful and dependable American citizen. Japan does not accord to anyone born in her empire of foreign parentage any advantage of acquiring Japanese citizenship over the foreign immigrant, save only that his period of probation after application is shorter. That is an excellent example for the United States to follow.

HOW SHALL EXCLUSION BE SECURED?

*Sec. 232. **If continuance of friendly relations between this country and Japan is to be secured, there is practically no difference of opinion among those conversant with the subject as to the desirability, and even necessity, of rigidly excluding Japanese immigration.** That is conceded even by many of the leading Japanese who have spoken on the subject. (K. K. Kawakami, in interview for Nippu Jiji, Honolulu, June 8th, 1921; M. Komatsu, in interview, Exhibit XIV; Prof. Yoshi S. Kuno, p. 6, Exhibit XIII.)

*Sec. 233. While many witnesses appeared on behalf of the Japanese before the House Committee on Immigration at its hearings on the Pacific Coast in July, 1920, practically all of them favored exclusion of Japanese immigration in the future and urged only fair treatment or special privileges for those already here. See Exhibit V, p. 518, Susuki, Pres. Stockton Growers' Exchange (2,000 members); p. 521, Roy Kimura; p. 44, Colonel John P. Irish; p. 854, K. Naka, leader and spokesman for Japanese colony at Livingston, California; p. 966, Earl S. Parker, Secretary, American Committee of Justice; also see Baron Goto in Annals of the American Academy of Political and Social Science, January, 1921, p. 109. (Exhibit XXX.)

*Sec. 234. The questions which arise are not so much, then, with the first of the League's four principles, which calls for exclusion, as with the second, which relates to the manner in which such exclusion shall be secured.

Sec. 235. Section "Second" of the League's Declaration of Principles reads as follows:

> **"SECOND—Such exclusion to be enforced by United States officials, under United States laws and regulations, as is done with immigration, admitted or excluded, from all other countries; and not, as at present, under an arrangement whereby control and regulation is surrendered by us to Japan."**

Sec. 236. This section, in effect, calls for the cancellation of the present "Gentlemen's Agreement," under which Japanese immigration is now regulated, and the substitution therefor of a plan whereby such immigration shall be restricted under our own laws and department regulations, enforced by our own officials. Such is the plan followed by us with immigration from all other countries, and such is the plan followed by Japan and other foreign nations in the admission of immigrants to their respective countries.

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Sec. 237. The present agreement forces us to admit such Japanese as come to these shores with a passport from the Japanese Government indicating that they are entitled to permanent residence here. **We have thereby surrendered to a foreign power our inalienable right to pass on the number and eligibility of those who enter to become part of the nation, and upon whose children are conferred the rights of citizenship. We have surrendered that right to no other nation;** and no other nation has surrendered its right in similar matters to any other power. That statement alone is sufficient to condemn the present arrangement, and justify its immediate cancellation.

*Sec. 238. The "Gentlemen's Agreement," so called, is not a signed document which can be quoted. It consists of a certain diplomatic correspondence between our State Department and the official representatives of Japan, which has never been made public and which may not be made public in its entirety without the consent of Japan, as explained by the Secretary of State in a letter dated August 11th, 1921 to the Chairman of the House Committee on Immigration printed at page 928 of Part Two of Hawaiian hearings. **There are several astonishing things about the present situation—that the sovereign rights surrendered by this great nation to a foreign power as indicated in the section preceding, were surrendered without formal treaty or verified agreement, that its exact terms have never been made public; that they are not now known according to the published record, by the Committee of Congress vitally concerned therein; that they may not be made known to Congress even now without the consent of the foreign power, and that there is apparently, on the part of public officials, more or less question as to just what protection this country has reserved to itself thereunder.** (See Exhibit XL, pp. 928-929.)

*Sec. 239. The only authoritative information which the Japanese Exclusion League of California has been able to gather on the subject

is covered practically by the references made to the agreement in the report of the Commission of Immigration for 1908 at p. 125, in the letter of the Secretary of State referred to in the preceding section, and in the proclamation of the President February 24, 1913, and regulations of the Immigration Department made presumably in accordance therewith. (See Board of Control report, Exhibit VI, pp. 166-178.)

*Sec. 240. What is thus known of the matter and gathered by inference is that there was insistent demand from the Pacific Coast States in 1900 and later for enforcement of the same rigid exclusion against Japanese immigration as was proving effective against Chinese under the Exclusion Act; that Japan protested against her nationals being excluded by law and offered to secure the same results by her voluntary act if permitted; that in pursuance of diplomatic negotiations, closed in 1907, Japan guaranteed that laborers, skilled and unskilled, from Japan (unless former residents of the United States) should be excluded from continental United States; she afterwards voluntarily included Hawaii in the restriction) that it was then, or afterwards, agreed that parents, wives and children of resident Japanese might be admitted and that the result was to be accomplished by Japan giving, and the United States recognizing, passports to those immigrants entitled to admission under the terms of the agreement. The agreement has been called "Gentlemen's Agreement," presumably because its terms cannot be enforced in a court of law—and because Japan's passport becomes under it Japan's guarantee that the immigrant carrying it is not a laborer, and does not come to labor.

Sec. 241. The Gentlemen's Agreement was made under the administration of Theodore Roosevelt. It was coupled with the condition that should the Japanese Government fail to observe its conditions, and keep out Japanese labor, the United States itself reserved the right to compel exclusion by its own laws. That reservation was afterwards withdrawn under

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the administration of President Roosevelt's successor, in negotiating with Japan the Commercial Treaty of 1911. (See autobiography of President Theodore Roosevelt, p. 414. Exhibit IX, p. 104.)

Sec. 242. **No self-respecting world power should have made such an agreement, even with the reservation referred to, and certainly the present absence of such reservation justifies immediate cancellation of the agreement.**

Sec. 243. **The agreement should be cancelled, because, even assuming that Japan has lived up to its intent in good faith, it has failed utterly to accomplish the purposes for which it was avowedly entered into.** (See Exhibit V, pp. 224-8; also Exhibit VI, pp. 161-4; also Exhibit IV, pp. 9 and following.

Sec. 244. The failure of the plan is sufficiently indicated by comparison of the results secured under its operation and under that of an exclusion act, for which it was a substitute. In less than ten years—from April 15th, 1910, to December 31st, 1919—there was a net increase of Chinese immigrants in California, under the Exclusion Act, of 789. During the same period there was a net increase of Japanese immigrants in the State, under the Gentlemen's Agreement, of 25,086. **That is, the Gentlemen's Agreement admitted 32 Japanese for every Chinaman admitted by the Exclusion Act.** (See report, State Board of Control, Exhibit VI, pp. 25-27.)

Sec. 245. The Chinese population of continental United States has decreased over 50 per cent. under the Exclusion Act. The Japanese population has nearly trebled since 1906. (The Gentlemen's Agreement was negotiated early in 1907.) Allowing 35,000 for births, less deaths, there has been an increase of Japanese population in continental United States in the period named of 62,000 from immigration, most of whom are in the ranks of labor. **Each one of that majority furnishes a clear violation of the intent of the agreement.** (See Exhibit IV, p. 10; Exhibit V, p. 227.)

Sec. 246. **In California, while exclusion has similarly decreased the Chinese population over 50 per cent., the Gentlemen's Agreement has enabled the Japanese to increase four-fold since 1906.** Making the necessary allowance for births, there have come into the State by immigration since 1906, 47,000 Japanese, and nearly all of these are in the ranks of labor. (See Exhibit IV. p. 10; Exhibit V, p. 227.)

Sec. 247. Not all the Japanese immigration referred to in the two preceding paragraphs came here with Japan's passport, certifying in effect that they did not come to labor; but most of them had such passports. The others came in surreptitiously, over the border; but these furnish equally strong arguments against the agreement, since under its terms and the existing conditions this country cannot provide efficient safeguard against surreptitious entry, or for detection of those who get in. (See Exhibit IV, pp. 13 and 14; also Exhibit V, pp. 233 and 234.)

*Sec. 248. Proofs of surreptitious entry are many and convincing. A few are indicated:

*(a) Comparison of the actual Japanese population of California as now established (Secs. 68 to 83, inc.) with the population claimed by Gulick and other Japanese propagandists prior to the census announcement, and based on official records—arrivals and births, minus departures and deaths.

*(b) Published statement of President and Secretary of the Nebraska Japanese Association that a large number of Japanese in that State had come without passports, i. e. surreptitiously, over the border. (Exhibit XXXVI.)

*(c) Statement of Bokuson Yoneyamo, in "Nichi Bei," May 28th, 1921, that when the Gentlemen's Agreement was negotiated there were 20,000 Japanese in Mexico, while now there are only 2,500 or 3,000. Where did the 17,000 go? Not back to Japan.

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*(d) British Columbia advices state that while the immigration law there permits the entrance of but 400 Japanese a year, 1,500 to 2,000 are getting in. They do not all stay in British Columbia.

*(e) Habeas Corpus cases in the courts of San Francisco, in February, 1920, revealed that 17 picture brides had been detained at Angel Island because the bridegrooms to whom they were consigned had entered the country without passports. This was not denied, but on the claim that the Japanese bridegrooms had been here over five years, they were permitted to stay and bring in their picture brides. (Exhibit IV, p. 13; Exhibit V, p. 233.)

*(f) Statement of Commissioner of Immigration Caminetti, in annual report, 1919, and before House Committee on Immigration in October, 1919, that a number of Orientals are coming over the border, and that with insufficient force he is not able to prevent such entry or to apprehend them after entrance. (Exhibit IV, p. 14, Exhibit V, p. 234.)

*(g) Testimony before the House Immigration Committee in July, 1920, showing that the Japanese fishing fleet in the waters of southern California aids in surreptitious entry of Japanese from Mexican waters. (Exhibit V, pp. 331-332.)

*Sec. 249. The well-established increase of Japanese population in continental United States, and in California, in excess of increase due to births, less deaths, furnishes the best answer to the repeated claims, supported by apparent statistics, that the number of Japanese departing from the United States have nearly, if not quite, equaled the number arriving.

Sec. 250. That increase also answers the claim that those coming in were almost entirely former residents entitled to return.

*Sec. 251. Aside from the failure of the Gentlemen's Agreement to fulfill the objects for which it was adopted, as shown above, there is ample proof that its intent has been deliberately

violated by Japan in some cases, and that she has had official knowledge of violation in other cases. (See Exhibit IV, pp. 9-14; Exhibit V, pp. 225-235; Exhibit VI, pp. 161-170; Joseph Timmons, Exhibit XV, 3rd article; also Sections 253 and following.

*Sec. 252. In "The Immigration Laws," published by the United States Department of Labor, March 10th, 1913, second edition, at pp. 27, 28, 29, are regulations regarding immigration from Japan and Korea, as well as other countries (See also Exhibit VI, p. 166, Board of Control Report.) Subdivision 5 of Regulations reads as follows:

* Definition of term "laborer." For practical administrative purposes, the term laborer, "skilled and unskilled," within the meaning of the executive order of February 24th, 1913, shall be taken to refer primarily to persons whose work is essentially physical, or, at least, manual, as farm laborers, street laborers, factory hands, contractors' men, stablemen, freight handlers, stevedores, miners, and the like; and to persons whose work is less physical, but still manual, and who may be highly skilled, as carpenters, stonemasons, tilesetters, painters, blacksmiths, mechanics, tailors, printers, and the like; but shall not be taken to refer to persons whose work is neither distinctively manual nor mechanical, but rather professional, artistic, mercantile, or clerical, as pharmacists, draftsmen, photographers, designers, salesmen, bookkeepers, stenographers, copyists, and the like.

***Sec. 253. While the agreement explicitly bound Japan "to keep Japanese labor, skilled and unskilled, out of continental United States," the annual reports of the U. S. Commissioner of Immigration show that every year thousands were admitted who were laborers. They were classed as "laborers," "farm laborers," "barbers," "carpenters," "tailors," "other artisans," "cooks," "gardeners," "servants," and "other occupations included under head of laborers by**

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rule 21 (j)." (This rule is a repetition of Subdivision 5, quoted in previous section.) Admission of new immigrants under such classifications is a clear violation of the immigration regulations and the agreement. Some of these admissions were entitled to entry because of prior residence, but the multiplication of the laboring population proves that only a portion had that right. The number admitted under these classifications ran as high as 3,013 in 1916. (See Exhibit VI—Board of Control—p. 170.)

*Sec. 254. **The "picture bride" plan was used to evade the presumable original intent on this side of the Pacific to prevent the development here of an alien, unassimilable Japanese population.** The resident Chinese, under the Exclusion Act, could not bring in, or send for, women who were not already their wives, and in consequence their number gradually decreased. The Japanese, similarly, had no wives, but used the "picture bride" plan to create wives, which their Government recognized, and which, in turn, our Government accepted, and permitted to come over in large groups. (Exhibit VI, pp. 139-141, also p. 146; Exhibit V, pp. 228-231, or Exhibit IV, p. 11.) The intent was to establish, as soon as possible, a permanent colony of the Yamato race in this country as advocated by their speakers and newspapers. In 1900 the proportion of adult male Japanese to adult females, in continental United States, was 25 to 1; in 1910, it was 7 to 1; in California, now, it is something over 3 to 1, and very rapidly decreasing.

*Sec. 255. That the primary purpose of picture brides was to increase the Japanese population in United States, and make an assured position for the Japanese, through children entitled to American citizenship, is fully attested by an extract from "Asahi Shimbun," a leading newspaper of Tokyo, as follows: "As a result of the Gentlemen's Agreement of 1907, by which our Government restricted emigration to America, Japanese in America lost the means of increasing their numbers by immigration. But

afterwards relief from their difficult position was provided in the permission to send for women as photograph brides. By this it was possible for our unmarried compatriots in America to establish families without taking the trouble to go home to get wives. This had the double advantage that while it enabled them to enjoy the pleasures of family life, on the other hand it enabled them to escape the cruel persecution of all sorts of anti-Japanese laws by the power of their children who are born with the rights of citizens." (See Exhibit IV, p. 11; also Exhibit V, p. 229.)

*Sec. 256. Further evidence on this point is given by Miss Frances Hewitt, who taught in the public schools of Japan for six years, and who wrote in an article in the "Northman," of Portland, Oregon, June 10, 1920, as follows:—

"Tourists do not learn that every girl (school girl) is thoroughly drilled in the doctrine that, should she become a 'picture bride' in America, or an immigrant to other lands, her loyal duty to her Emperor is to have as many children as possible, so that the foreigners' land may become in time a possession of Japan, through the expressed will of a majority of the people." (See Exhibit IV, p. 11; also Exhibit V, pp. 411-412.)

Sec. 257. The picture bride plan was a clear violation of the intent of the agreement in two ways: (1) It imported forbidden labor, since most of the picture brides performed a man's work in field or shop; (2) it brought over a woman from Japan to act as wife for a Japanese already admitted who had no wife, and who was presumed, under the general acceptation of the intent of the original agreement, to be entitled to bring over a wife only if he had left one behind him. (Exhibit VI, pp. 141-143.)

*Sec. 258. Disclosures as to picture bride methods produced general criticism, even from missionary and church friends of the Japanese, with the result that the Japanese Government discontinued the practice, so far as continental

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United States was concerned, in August, 1920, but continued to send the picture brides to Hawaii. The number of picture brides coming to Hawaii in eleven years, (1911 to 1921), was 11,146. The number who came in in less than a year after August 1st, 1920, when they ceased coming to Continental United States, was 497 (official figures.)

*Sec. 259. The Japanese newspapers on the Pacific Coast and in Japan made most earnest protest against discontinuance of the picture bride plan, and insisted that in any new adjustment with the United States, even if all immigration should be prohibited hereafter, there should be provision to secure wives for two-thirds of the adult male Japanese in this country now without wives. Following Japan's order discontinuing the plan, and during the six months she allocwd for picture brides to land in America, much of the space of Japanese liners was given up to these women. (Exhibit V, pp. 229-230.) Commissions representing the central Japanese organizations of the Pacific Coast went to Japan to secure arrangements which would take the place of the picture bride plan.

Sec. 260. To take the place of this system, and still insure the Japanese here wives, and the opportunity to beget children in pursuance of the general plan of peaceful penetration, Japanese returning from the United States are now permitted to remain in Japan for ninety days (instead of thirty as called for by law) without being subjected to conscription call, the extra time being allowed to secure wives. The Japanese Steamship Lines have also reduced fares to their nationals leaving the United States with round-trip tickets, to such an extent that each can now visit Japan, secure a wife and return to the United States, at approximately the same cost as was formerly necessary to bring a picture bride to America. These measures confirm the apparent belief of the State Board of Control in its 1920 report, (Exhibit VI, bottom of page 143) that the Japanese would circumvent the new restriction.

*Sec. 261. The Commissioner of Immigration at San Francisco, Edward White, states that for the year ending July 31st, 1921, (following stopping of entry of picture brides) there came into that port from Japan, in addition to other Japanese women, 1251 Japanese wives who had never been in this country before. The Commissioner at Seattle Henry M. White, reports the admission at that port in eleven months, up to July 1st, 1921, of 1121 married women from Japan, but is not able to segregate those who had been in this country before. Assuming that the proportions would be similar to those noted in San Francisco arrivals, the Seattle arrivals for the twelve months of Japanese wives who had never been in the United States before would be 900 or 1000. **Undoubtedly most of these 2100 or 2200 Japanese wives who came in last year, through the two ports named, would have come as picture brides a year before. So far as concerns intent and results, they are picture brides; and the number thereof is from 2⅓ to 3½ times as many as the total picture brides admitted at those two ports in any year from 1912 to 1919 inclusive,** according to statistics quoted by Sidney Gulick in "Japan and the Gentlemen's Agreement," page 6. And they come in defiance of the intent of the Gentlemen's Agreement, through arrangements made with the Japanese Government and with its subsidized steamship lines, and at no greater cost to the individual Japanese save loss of his time in making the trip, and for the purpose (according to Japanese expressions) of begetting a large number of citizens of Japan who can use their rights as American born citizens for the benefit in peace and in war of their country. At the rate of 2100 or 2200 per year, it will not take long to provide a wife for each unattached adult Japanese in this country, and then the Japanese birth rate, already three times as great as that of the whites, will be multipiled.

Sec. 262. **This entire procedure is opposed to the intent this country had in formulating the Gentlemen's Agreement, which was to prevent the development here of an alien, unassimilable**

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Japanese population. The Exclusion Act prevented any such results as to Chinese by forbidding the importation of Chinese women who were not already wives of settled immigrants.

*Sec. 263. While the Japanese, with or without knowledge of, or encouragement from, their Government have skillfully evaded the original intent of the agreement, and accomplished their purposes of multiplying their population in continental United States, so that it is in excess of that which they have in any foreign country, except on the continent of Asia adjacent, **our own Government has been clearly at fault, not only in making the original agreement, but in failing to apply ordinary safeguards possible under its provisions.** That is indicated in the admission of thousands of laborers, officially classed as such, in plain violation of the agreement. (See Section 253.) Major Bert C. Ross, representing Veterans of Foreign Wars, American Legion, and the Anti-Japanese League of Seattle, in testimony before the House Immigration Committee, (Exhibit V, p. 1380), said: that immigration officials at Seattle declared that under instructions no Japanese is held up who has a passport signed by Japanese authorities. That under this system they can and do admit Japanese by the hundreds without any question as to whether they are coming in good faith.

*Sec. 264. **The recital of facts above will make it plain, it is hoped, that there is but one effective and certain method of preventing further admission of Japanese to this country as permanent residents, and that is by Act of Congress, or by an equally stringent treaty, under which there shall not be admitted in the future, with the privilege of permanent residence, any Japanese, male or female, and whether laborer, skilled or unskilled, or professional man; the provisions of law or treaty to be enforced by our own officials, under regulations of our Government.** That is the plan called for by the second section of the Japanese Exclusion League's declaration of principles.

So far as concerns the scope of exclusion, the plan accords exactly with that suggested by President Roosevelt in 1909. (See his letter to Hon. Wm. Kent. Exhibit IX, page 104 of this brief.)

*Sec. 265. As preliminary to the passage of such an exclusion law, or the negotiation of such a treaty, it is earnestly but respectfully urged that the present Gentlemen's Agreement should be denounced in order that its provisions may become inoperative as soon as possible. As pointed out in this brief, the agreement is now being used to import over 2,000 wives in the year to assist in rapidly increasing the alien, unassimilable Japanese population in this country.

POSSIBLE CONFLICT BETWEEN STATE LAW AND TREATY

Sec. 266. Section "Third" of the Declaration of Principles of the Japanese Exclusion League of California reads as follows:

> **"THIRD—Compliance on the part of all departments of the Federal Government with the Constitution, and the abandonment of the threat or attempt to take advantage of certain phrasing of that document as to treaties, which it is claimed gives to the treaty-making power authority to violate plain provisions of the Constitution and Statutes, in the following matters:**
>
> **(a) To nullify State rights and State laws for control of lands and other matters plainly within the State's jurisdiction.**
>
> **(b) To grant American citizenship to races of yellow color, which are made ineligible for such citizenship.**

Sec. 267. The principle thus enunciated received endorsement, without a dissenting vote, in both houses of the California Legislature, when the entire declaration was approved and commended to the President, Department of State, and Congress, for adoption of the policy

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therein stated. (The legislative resolution omitted by error, as before explained, the words "and Statutes" in this section. Exhibit I.)

Sec. 268. The principle was also unanimously endorsed in both houses of the California Legislature in January, 1921, by resolutions transmitted to the President, Secretary of State, to Senators and Representatives from California, and to members of the Senate Committee on Foreign Relations, protesting against any action, if contemplated, whereby an attempt would be made to set aside the California Land Law, or to confer citizenship on the Japanese by treaty. (See Exhibit II.)

Sec. 269. The principle thus enunciated, and the protest thus voiced by the California Legislature were against action apparently contemplated by the previous national administration in connection with this subject. There has not been evidence, so far, that the present administration contemplates such action, though it is apparently being urged thereto by representatives of the Japanese government. The representations made in this brief on the subject have, therefore, only the justification that a policy apparently foreshadowed by the preceding administration had not yet been condemned or abandoned, so far as known, by the present administration.

Sec. 270. In authorized statements made at Tokyo, and responsible reports emanating from Washington in November, 1920, and January, 1921, and in public utterances of Roland S. Morris, then Assistant Secretary of State, made at Philadelphia, January 11th, 1921, it was declared that Japan had demanded, and the State Department was at least seriously considering, the invasion of State rights referred to in matters of exclusive State jurisdiction, wherein the State had violated no treaty rights, and the setting aside of United States statutes by conferring citizenship upon aliens ineligible thereto. These uncontradicted statements furnished justification for the protest telegraphed November 26th, 1920, by the Japanese Exclusion League of California

to Acting Secretary of State Norman H. Davis (Exhibit XXV); also for resolutions of protest passed by the California Legislature in January, 1921, (Exhibit II), and finally, for the answers telegraphed to Assistant Secretary Morris, January 24th, by Governor William D. Stephens, and by the Japanese Exclusion League of California, separately. (Exhibit XXVI.)

Sec. 271. It must be remembered, as hereinbefore clearly expressed, that the Alien Land Law of California does not violate any treaty rights of the Japanese or other aliens, and that the law in expressed terms provides that all aliens ineligible to citizenship under the laws of the United States "may acquire, possess, enjoy, and transfer real property, or any interest therein, in this State, in the manner, and to the extent, and for the purpose prescribed by any treaty now existing between the Government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise."

*Sec. 272. **It is pointed out that the provision of the California Land Law, forbidding ownership of land within the State to aliens ineligible to citizenship is in strict conformity with the principles laid down by Federal laws of the United States, and in force for many years.**

*Sec. 273. Section 2169 of the Naturalization Laws of the United States provides that citizenship may not be granted save to free white persons and persons of African nativity and descent, with the exception of Filipinos, referred to in the seventh subdivision of Sec. 4, of the Act of June 29th, 1906, as amended by the Act of May 9th, 1918, very clearly eliminating all members of the brown and yellow races, including Japanese. It is clearly unwise in any State to permit control of her rich lands to pass into the hands of an alien, unassimilable race, the members of which, by express terms of the Federal Statutes, are debarred from ever becoming citizens of the United States.

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*Sec. 274. In Japan it is the common custom when Japanese meet with Chinese at any public gathering or banquet for the first word of greeting to be "Dobun Doshii," which means, "We are people who use the same language and belong to the same race." (Yoshi Kuno, in "What Japan Wants," p. 19.) On this side of the Pacific, however, the Japanese repudiate the Chinese, insisting, in their demand for American naturalization that Japanese are not Mongolians, and are not of the same race as the Chinese.

*Sec. 275. Section 363 of the U. S. Statutes at Large, passed originally in 1887, and amended in minor matters on several occasions since, and still in force and effect, forbids ownership of land in any of the territories of the United States, to any person who is not a citizen of the United States, or who has not declared his intention of becoming such citizen. There is an exception in cases in which the right to hold land is specially conferred by existing treaties on certain aliens, but the act provides that such rights shall continue to exist only so long as such treaty may be in force. **The intent and effect of this law is to forbid to aliens ineligible to citizenship the ownership of land in any territory of the United States,—the principle adopted by California in her alien land law for control of lands in the State.**

*Sec. 276. California claims, however, that the Federal Government has not the constitutional right to set aside by treaty the provisions of a State law enacted under the State's exclusive constitutional rights, in matters solely within her jurisdiction. California suggests, also, that an attempt of that character to nullify a law enacted under her constitutional right in the exercise of powers reserved to the State, in harmony with the principles of the United States Statutes (Naturalization Law, Sec. 2169), and for the protection of American citizens and American interests, is unwise in policy.

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*Sec. 277. **It is pointed out, too, that Congress in enacting in 1887, and amending on several occasions since, Section 363 of the U. S. Statutes at Large, has promulgated the principle which California has followed in this present matter, to-wit: that the provisions of treaties in force granting special rights to aliens be rigidly observed until such treaties are amended or abrogated, but that future treaties should not violate laws now in force and passed under proper Constitutional authority.**

*Sec. 278. The Section referred to, in forbidding ownership of land in any territory in the United States to those who are not citizens, or who have not indicated their intention of becoming citizens, expressly excepts cases in which rights have been granted under treaties in force, but adds "which rights so far as they may exist by force of any treaty shall continue to exist so long as such treaties are in force, and no longer."

*Sec. 279. California questions also the right of the treaty-making power (the President, with the concurrence of two-thirds of the Senate) to set aside provisions of the United States Statutes which require for enactment a majority vote of both houses of Congress, plus the approval of the President. This has reference to the plan, apparently contemplated by the preceding administration, of granting citizenship to Japanese by treaty, when, under the provisions of Sec. 2169 of U. S. Statutes, before referred to, they are declared ineligible for such citizenship. Even the naturalization of Japanese who have served with Army or Navy, under the provisions of the Act of May, 1918, as granted in a number of cases, is clearly illegal, as determined in the more recent cases in both State and Federal Courts. (See Exhibit XLI-b.)

Sec. 280. California submits also that any interpretation of a section of the Constitution which would thus place in the hands of the President and two-thirds of the Senate the power to set aside, arbitrarily, the Constitutional rights granted the individual States to

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exercise exclusive jurisdiction over certain matters in their own territory, or to nullify an act of Congress which requires the approval not only of the President and Senate, but also of the House of Representatives, is certainly illogical, and not in harmony with the intent of the Constitution.

Sec. 281. Thus far, the issue indicated above has not been raised by any act of California, since she does not propose to violate rights already granted to aliens by treaty. So far as California has knowledge, there is as yet no act or intent on the part of the present State Department to raise this issue by attempting, through treaty provisions, to set aside State laws claimed to be wise and necessary in protection of American citizens and the American nation.

*Sec. 282. It is urged, as a matter of national dignity and national right, that only the American people represented by the Congress of the United States have the right to consider or determine the policy to be followed and the laws or regulations to be enforced in connection with questions of national concern, such as immigration, eligibility to citizenship, commerce with foreign nations, etc., etc.; that each individual State, in the exercise of its reserved powers, has the exclusive right to determine the ownership and control of lands within its borders, and that no foreign nation should be invited or permitted to help decide such questions for the Nation or State.

*Sec. 283. The California Legislature, in adopting unanimously, in January and April, 1921, memorials to the President and Congress of the United States (Exhibits I and II), plainly marked its approval of the principle above enunciated. **It is now urged on the State Department, with deference, that neither in negotiations with representatives of the Japanese Government, nor in the coming Disarmament Conference, should there be recognized, even by indirection, the right of any foreign nation to determine, even in part, or to suggest the policy**

to be adopted by the United States, or any individual State, in such matters of national and domestic concern.

*Sec. 284. It develops that a general alien poll tax law, passed by the California Legislature at its recent session, is a plain violation of the treaty with Japan, and perhaps of treaties with other nations. That there was no intent on the part of California, as a State, or those interested in Japanese exclusion, to suggest any violation of treaty rights is sufficiently attested by the fact that the Japanese Exclusion League has disclaimed any responsibility for such enactment, and that its impropriety has been generally acknowledged since the facts became known. In view of public sentiment it is probable that the enactment referred to will not be so used as to occasion embarrassment or injustice to Japanese or other alien nationals. (Since the above section was written, the Supreme Court of the State has decided that the alien poll tax law so far as it applies to Japanese and others protected by treaty is illegal, and may not be enforced.)

Sec. 285. California deprecates the introduction by Senator Kellogg, of Minnesota, of Senate Bill No. 1943, authorizing the President to have State cases transferred to Federal Courts, and to use the United States Marshals and the forces of the Army and Navy whenever, in his judgment, in any such case, the treaty rights guaranteed to aliens are threatened under operation of State law. The inference, from the introduction of the bill referred to, is that California, and other States which have similar land law, can, or are likely to, violate treaty rights thereunder, when the fact is that such law expressly guarantees aliens all rights as to land which are given them by treaty. It is hoped that there does not exist in the State Department the misapprehension as to the facts, which alone would have justified the introduction of the bill referred to.

Sec. 286. It is believed that the points made

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in this brief, with the references quoted, furnish full justification for the action taken by the State of California, and the people thereof, in connection with the subject, and in particular for the urgent call upon the Federal Government for immediate adoption of certain policies deemed necessary as protection against the national danger herein outlined.

*Sec. 287. If any of the points of this brief are not made sufficiently plain herein, or do not seem to receive sufficient verification from exhibits referred to, any necessary amplification or further data will be furnished on request.

*Sec. 288. **There is no claim or belief as to racial inferiority involved in this issue. There is, on the contrary, a frank admission that because of conditions fully explained herein, the white race may not hope to survive in this country if compelled to meet the Japanese in competition for economic advantage and racial existence. Our own people may be lacking in thrift, and unwilling to work long hours without recreation; they may not be defended for an apparent tendency to race suicide; but the less their ability to compete with an alien unassimilable race if permitted to invade our land, the greater the necessity for affording them necessary protection.**

*Sec. 289. **In this matter there is neither racial prejudice nor unfriendliness on the part of the Japanese Exclusion League, and those whom it represents.** On the contrary, its action is based on the hope that Japan and the United States may long maintain friendly intercourse and mutually profitable commercial relations, and on the conviction that such conditions are not possible if there is permitted to develop in either country an alien, unassimilable element, certain to create economic disturbances and racial conflict. That was the clearly expressed view of ex-President Roosevelt, and it is frankly endorsed today by a number of prominent Japanese who have studied the situation.

Respectfully submitted on behalf of the Japanese Exclusion League of California.

(V. S. McCLATCHY.)
San Francisco, Calif., October 1st, 1921.

EXHIBIT I.

LEGISLATIVE DEPARTMENT
STATE OF CALIFORNIA
Forty-Fourth Session

Senate Chamber, April 27, 1921.

To the President of the United States, the Honorable Secretary of State of the United States, and to each of California's Senators and Representatives in Congress.

Pursuant to the provisions of Senate Joint Resolution No. 26, adopted by the Legislature of the State of California at the forty-fourth session, I am sending you herewith a copy thereof, reading as follows:

CHAPTER 36

SENATE JOINT RESOLUTION NO. 26

By Senator Will R. Sharkey
Relative to Immigration

WHEREAS, The Japanese Exclusion League of California, representing officially such organizations as the American Legion, War Veterans, Native Sons and Native Daughters of the Golden West, State Federation of Women's Clubs, State Federation of Labor, and various other patriotic, civic and fraternal bodies, have adopted a statement of policy recommended for adoption by the Government of the United States as urgently required in protection of the nation's interest against the growing menace of Japanese immigration and colonization; and

WHEREAS, Said declaration of principles has been approved by the organizations affiliated with the League—The Los Angeles County Anti-Asiatic Association and the Japanese Exclusion League of Washington; and

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WHEREAS, Said declaration of principles is in words and figures as follows, to-wit:

First—Absolute exclusion for the future of all Japanese immigration, not only male, but female, and not only laborers, skilled and unskilled, but "farmers," and men of small trades and professions as recommended by Theodore Roosevelt.

Permission for temporary residence only for tourists, students, artists, commercial men, teachers, etc.

Second—Such exclusion to be enforced by United States officials, under United States laws and regulations, as done with immigration, admitted or excluded, from all other countries; and not, as at present, under an arrangement whereby control and regulation is surrendered by us to Japan.

Third—Compliance on the part of all departments of the Federal Government with the Constitution, and the abandonment of the threat or attempt to take advantage of certain phrasing of that document as to treaties, which it is claimed gives the treaty-making power authority to violate plain provisions of the Constitution [and Statutes] in the following matters:

(a) To nullify state rights and state laws for control of lands and other matters plainly within the state's jurisdiction.

(b) To grant American citizenship to races of yellow color, which are made ineligible for such citizenship.

Fourth—For the Japanese legally entitled to residence in California, fair treatment, protection in property rights legally acquired, and the privilege of engaging in any business desired, except such as may be now or hereafter denied by law to all aliens, or to aliens ineligible to citizenship; and provided particularly they may not hereafter buy or lease agricultural lands.

Now, therefore, be it

RESOLVED by the Senate and Assembly, jointly, That the Legislature of the State of California hereby endorses said declaration of

principles and urges that the President, the Department of State and the Congress of the United States adopt and observe the policy therein stated; and be it further

RESOLVED, That the Secretary of the Senate be and she is hereby directed to transmit copies of these resolutions to the President and the Secretary of State of the United States and to each of California's Senators and Representatives in Congress.

C. C. YOUNG,
President of the Senate.

MARTIN C. MADSEN,
Private Secretary to the Governor.

HENRY W. WRIGHT,
Speaker of the Assembly.

FRANK C. JORDAN,
Secretary of State.

and hereby certify that the same was duly filed with the Secretary of State on April 27, 1921.

GRACE S. STOERMER,
Secretary of the Senate.

EXHIBIT II.

SENATE JOINT RESOLUTION NO. 4.
NATURALIZATION AND PROPERTY RIGHTS OF ALIENS

Filed With the Secretary of State, January 11, 1921.

Whereas, at the general election held on the 2nd day of November, 1920, the people of the State of California, in the exercise of their right reserved under the Constitution, by an overwhelming majority, adopted the "Alien Land Law," which, among other things, provides that all aliens ineligible to citizenship under the laws of the United States, may acquire, possess, enjoy, and transfer real property or any interest therein in this State in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of

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the United States and the nation or country of which such alien is a citizen or subject and not otherwise; and

Whereas, the present treaty of commerce and navigation between the United States and Japan, proclaimed on the 5th day of April, 1911, in fixing the rights of the nationals of both contracting parties, provides that—

"The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses, and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally, to do anything incident to or necessary for trade, upon the same terms as native citizens or subjects submitting themselves to the laws and regulations there established"; and

Whereas, notwithstanding the aforesaid provision of the treaty limiting the purposes for which the subjects of Japan may enter, travel, and reside in the United States, approximately 100,000 Japanese are now residing in California, comparatively few of whom are engaged in trade, while the great majority are engaged in agriculture, owning, leasing, and farming lands, and now control one-eighth of the entire acreage of rich irrigated lands in the State, as shown by the official report of the State Board of control; and

Whereas, Japanese, as well as American, authorities concede the unassimilability of the two races, and grant that a continuance of existing conditions may develop a racial question and grave international complications out of the present economic problem; and

Whereas, the evidence before the House Immigration Committee, in hearings held on the Pacific Coast in July and August, 1920, clearly indicates the impracticability of making homogeneous American citizenship out of the material coming to us from Japan, and the impossibility of a white community holding its own either in

increase of numbers or in economic competition against the racial advantages and birth rate of the Japanese; and

Whereas, preliminary negotiations are now pending between the State Department at Washington and representatives of the Empire of Japan with a view of entering into a treaty dealing with the subject of immigration; and

Whereas, reports have come to us from our Representatives in Congress that Japan insists that the proposed treaty shall grant the right of citizenship to the subjects of Japan now in the United States and shall, in effect, nullify the aforesaid "Alien Land Law"; Now, therefore, be it

RESOLVED by the Senate and Assembly, jointly, That the Legislature of the State of California protests against any treaty being made between the United States and Japan whereby the right to citizenship shall be extended to the subjects of Japan; and be it further

RESOLVED, That any attempt by the treaty-making power of the United States to nullify the aforesaid "Alien Land Law" or to confer upon the subjects of Japan the right to acquire, own, or possess lands within the State, in violation of our State laws, should be opposed as destructive of State's rights reserved under the Constitution of the United States; and be it further

RESOLVED, That in any treaty hereafter made by the United States and Japan, said "Alien Land Law" be held inviolate and that the rights of the States of the Union to enact legislation respecting the acquisition and ownership of land by aliens within their respective borders be properly safeguarded; and be it further

RESOLVED, That in any such treaty, provision be made prohibiting the further immigration of the subjects of Japan to the United States, save and except merchants, students, and teachers, their servants and employees; and be it further

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RESOLVED, That a copy of these resolutions be forthwith dispatched to the President of the United States, the Secretary of State of the United States, to each of our Senators and Representatives in Congress, and to each member of the Committee on Foreign Relations of the United States Senate.

EXHIBIT IX—(IN PART)
President Roosevelt's Attitude.

President Roosevelt, at pages 411 to 414 of his autobiography published in 1913, condemned the present form of Gentlemen's Agreement because there had been surrendered an important safeguard which he had inserted in the original agreement. He thus tells how he adjusted the question between Japan and California, which involved the school question and exclusion:

"After a good deal of discussion, we came to an entirely satisfactory conclusion. The obnoxious school legislation was abandoned, and I secured an arrangement with Japan under which the Japanese themselves prevented any immigration to our country of their laboring people, it being distinctly understood that, if there was such immigration the United States would at once pass an exclusion law.

* * * * * * * * * *

"Unfortunately, after I left office, a most mistaken and ill-devised policy was pursued towards Japan combining irritation and inefficiency, which culminated in a treaty under which we surrendered this important and necessary right."

As to exclusion, President Roosevelt, although a great friend and admirer of Japan and the Japanese, favored in effect denial of permanent residence to any Japanese. The following quotation is from a letter written by him from the White House, February 4th, 1909 to Hon. Wm. Kent, later Congressman from California:

"Let the arrangement between Japan and the United States be entirely reciprocal. Let the Japanese and Americans visit one another's countries with entire freedom as tourists, scholars, professors, sojourners for study or pleasure, or for purposes of international business, but keep out laborers, men who want to take up farms, men who want to go into the small trades, or even in professions where the work is of a non-international character: that is, keep out of Japan those Americans who wish to settle and become part of the resident working population, and keep out of America those Japanese who wish to adopt a similar attitude. This is the only wise and proper policy.

"It is merely a recognition of the fact that, in the present stages of social advancement of the two peoples, whatever may be the case in the future it is not only undesirable, but impossible that there should be intermingling on a large scale, and the effort is sure to bring disaster. Let each country also behave with scrupulous courtesy, fairness and consideration to the other."

LIST OF EXHIBITS

With Final Brief, Japanese Exclusion League of California, October 1st, 1921

NOTE—Exhibits listed, but not attached hereto, will be found among those already left with the State Department.

Exhibit I. Resolutions, California Legislature, April, 1921.

Exhibit II. Resolutions, California Legislature, Jan., 1921.

Exhibit III. California Alien Land Law, November, 1920.

Exhibit IV. "Our New Racial Problem." (A digest made for convenience, of testimony given before the House Immigration Committee and accompanied by numerous exhibits.)

Exhibit V. Printed transcript hearings before House Immigration Committee on the Pacific Coast, July, 1920. (Four volumes.)

Exhibit VI. Report California State Board of Control, 1920. ("California and the Oriental".)

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Exhibit VII. Alien Land Laws of Various States—House Document 89, by C. F. Curry.

Exhibit VIII. Japanese endorse legality of California Land Law.

Exhibit IX. President Roosevelt's attitude.

Exhibit X. Resolutions National Convention American Legion, 1919.

Exhibit XI. Resolutions National Convention American Legion, 1920.

Exhibit XII. Resolutions Annual Convention American Federation of Labor, 1921.

Exhibit XIII. Statement, Professor Y. S. Kuno.

Exhibit XIV. Statement, Mr. M. Komatsu.

Exhibit XV. Conditions in Hawaii—Twelve articles by Joseph Timmons (filed as exhibit with House Immigration Committee, April, 1921.)

Exhibit XVI. "The Germany of Asia"—dealing with the policies of Japan in the Far East and in the United States.

Exhibit XVII. Conditions in Hawaii—Report Survey Commission, National Department of Education, Bulletin No. 16, 1920.

Exhibit XVIII. Corrections of U. S. census figures, Japanese population of California.

Exhibit XIX. Extract from Boise Statesman, February 1, 1921—Answer to claims made by Japanese.

Exhibit XX. Article from "Organized Labor," September 6, 1920.—"How Japanese Problem Concerns Labor."

Exhibit XXI. Extracts from "The Sacramento Bee," June 28th, and June 29th, 1921—Japanese labor displacing white girls.

Exhibit XXII. Japanese urge high birth rate in California—Extracts from "The Sacramento Bee," Oct. 24, 1919, translation from Japanese newspaper.

Exhibit XXIII. Japan's policy re. Expatriation—official statement on behalf of the Japanese Government.

Exhibit XXIV. Methods of organization of Japanese in California—Extract from "The Sacramento Bee," June 13, 1921.

Exhibit XXV. Protest telegraphed Nov. 26, 1920 by the Japanese Exclusion League of California to Acting Secretary of State Norman H. Davis.

Exhibit XXVI. Protest of Gov. Wm. D. Stephens, and the Japanese Exclusion League of California, to Assistant Secretary of State Roland S. Morris, January 24, 1921.

Exhibit XXVII. California presents facts to people of Japan, through "Yomiuri Shimbun," Tokyo, May 25th, 1921,—article by V. S. McClatchy.

Exhibit XXVIII Turlock incident—Deportation of Japanese and results—Extract from "The Sacramento Bee." Aug. 3rd, 1921.
(b) Statement of Japanese Exclusion League re. Turlock incident.

Exhibit XXIX. Evasions Alien Land Law. (a) Letter from Attorney-General U. S. Webb, July 8th, 1921, re. Crop Contracts. (b) Test case under Alien Land Act in Yuba County—Extract from "The Sacramento Bee," June 15, 1921. (c) Letter from Attorney-General Webb to District Attorneys throughout State regarding prosecution of evasions of Alien Land Law.

Exhibit XXX. "Present Day Immigration, With Special Reference to the Japanese," January, 1921, issue of the Annals of the American Academy of Political and Social Science.

Exhibit XXXI. Memorial, City Council of Seattle, Washington to the Secretary of State, August 1st, 1921.

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Exhibit XXXII. Japanese Situation in Hawaii. (a) Extract from "The Sacramento Bee," August 9th, 1921. (b) Copy of the statement telegraphed by V. S. McClatchy at request of the chairman thereof to the House Immigration Committee, July 21, 1921.

Exhibit XXXIII. Lima (Peru) infested by Japanese. Article from Los Angeles Times, August 7th, 1921.

Exhibit XXXIV. Japanese fishing monopoly in Southern California—Alien Fishing Bill defeated in Legislature—Extracts from "The Sacramento Bee," April 16th and 19th, 1921.

Exhibit XXXV. How Japanese are Controlled by Japanese Government through Japanese associations representing the several consulate jurisdictions in the United States. Extracts from "The Sacramento Bee," May 24, and Aug. 4, 1921.

Exhibit XXXVI. Defeat of Alien Land Bills in Nebraska, Oregon and Idaho—clippings from "The Sacramento Bee," Feb. 5th, 1921, March 10th, 1921, and March 1st, 1921.

Exhibit XXXVII. Placer County plan for replacing Japanese with white farmers to redeem from Japanese control 17,000 acres (total acreage 19,000) of fruit and other farming land—clippings from "The Sacramento Bee," Sept. 21st and 22nd, 1921.

Exhibit XXXVIII. Resolutions adopted by State American Legion at annual convention August, 1921, recommending Japanese exclusion and urging withdrawal of all Japanese who may be classified as laborers or farmers with their families and dependents.

Exhibit XXXIX. Attitude of Seattle Chamber of Commerce toward Alien Land Law and anti-Japanese legislation. (b) Protest against activities of U. Oyama, Japanese Consul at Los Angeles, in actively working for the defeat of the Alien Land Law.

Exhibit XL. (a) and (b)—Hearings in two volumes before the House Committee on Immigration and Naturalization, July and August, 1921, covering labor problems in Hawaii.

Exhibit XLI. (a) Article from S. F. Chronicle, Nov. 26, 1920. "Transfer of Allegiance Unthinkable." (b) Japanese Residents are Illegally Naturalized, article, "Sacramento Bee," Aug. 12, 1921.

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