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CALIFORNIA AND HER LESS FAVORED MINORITIES,

A Study in the Background of the  
Evacuation of Persons of Japanese  
Ancestry from the Pacific Coast;

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Preface

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California has always received and, until the year 1942, retained within her boundaries the bulk of Asiatic immigration. California was the first state to legislate against Orientals, and in any clamor for Congressional legislation against them, California's has been the dominant voice. Discriminatory legislation within neighboring states is commonly acknowledged to be imitative of the California example. Therefore, it is specifically with events, movements and attitudes within the state of California that this brief treatment of a broad subject is concerned.

The history of California is rooted in legend, and, since the first Spanish adventurers sought California as a fabulous island peopled with Amazons, legend has tangled with formal history. At the time of the American Conquest of California the legends took a sharp turn toward the utilitarian, a change for the worse in that it made the historian's task of stripping fantasy from fact more difficult. The booster spirit, which masters California's adoptive sons as completely as it does her native born, has militated against a dispassionate rendering of her history. Yet, with hundreds of writers surveying California past and present through rose-colored glasses and dedicating their efforts to preserving her popular legends in the guise of history, there have been, even from the turbulent days of the conquest, a few astute individuals who have resolutely sifted out the legends and presented the facts and their verification. Different as the pictures presented by the two schools are in most respects, both reveal the existence of two mass attitudes which have manifested themselves consistently and strongly throughout the years since the conquest. These attitudes are justified and even lauded by the boosters and deplored by the dispassionate, but they remain the same attitudes.

Josiah Royce, born in the California of the 'Fifties, eminent scholar and philosopher, discussed these attitudes at some length in his California; a Study in American Character. The first of these he labels "a strong tendency toward social irresponsibility natural in the large mass of new-comers to the territory who sought wealth and not a social order"--however many of them actually stayed, most of them went to California with the idea of making a fortune and returning to the east; the second attitude he calls a "blind nativism", or "a diseased local exaggeration of our common national feeling towards foreigners," a fault that they "seldom recognize at all, charging to the foreigners themselves whatever trouble was due to our brutal ill-treatment of them." These attitudes have shaped and colored California history ever since they achieved a true marriage under the Bear Flag, and to date neither God nor man has been able to put them asunder.

## The American Conquest and the Native Californians

The general election of 1844 in making James Polk President of the United States guaranteed war with Mexico and the annexation of California. Other and vaster territory would be annexed, but California, eyed appreciatively by various nations because of its long coastline, was the prize.<sup>21</sup> Certain far-sighted and enterprising American citizens perceived that it would be profitable for them to be on hand when the Stars and Stripes should be raised over the conquered territory and wasted no time in setting out on the long, tedious, and hazardous overland journey. Whether they struggled over the Sierras or entered California by way of Oregon, their trails led past the door of John A. Sutter, Swiss citizen and agriculturally-minded visionary. Sutter welcomed them to New Helvetia, the rural Utopia he had established on the generous land grant Governor Alvarado had made him in the lower Sacramento Valley.

In New Helvetia the newcomers enjoyed Sutter's hospitality while they awaited the conquest, but as months went by they began to chafe at the delay. Their occasional expeditions to Yerba Buena (later San Francisco) or Monterey convinced them that the country was wasted on the native Californians. The energetic easterners deplored the easy-going pastoral existence of the people, who devoted most of their time to social festivities, quite hazardous games played on horseback, and bloodless revolutions, working (by Yankee definition) only when a trading vessel arrived. On such an occasion the Californians rounded up their range cattle, slaughtered those of suitable growth, and traded the hides for items of food and clothing and trinkets; they were seemingly indifferent to the fact that the shrewd traders cheated them; they made no effort to utilize any part of the slaughtered cattle save the hides. The newcomers felt that it was displeasing to Providence to prolong such thriftless control of a land destined for American use.<sup>4</sup>

By the spring of 1846 Sutter's guests were rapidly approaching the point where rugged individualism, casuistry, and greed dictated action. The nudge that got them to the point was given by young Captain John C. Fremont of the U. S. Engineers, recently arrived with a company of sixty well-armed soldiers to conduct a surveying project. He sympathized with the plight of his fellow patriots and promised that although he was not authorized to initiate hostilities, should they be attacked by the Californians, they could count on him to the uttermost. Obviously the Americans had to provoke an attack. First they stole horses from the Mexican Government and dared General Castro to come and get them. Then they raided the sleeping town of Sonoma, kidnapped old General Vallejo and several other prominent citizens and imprisoned them at Sutter's Fort, and appropriated provisions in high-handed fashion in Sonoma. Their efforts were rewarded by the advance upon Sonoma of a few dozen ill-equipped Mexican soldiers. The Americans, superior in numbers and with the advantage of reliable fire-arms, put the Californians to flight at the first charge, killing several. Fremont and his men then took over and gave chase to the fleeing Californians, who escaped across the bay. For no good reason Fremont's men killed three noncombatants. Back in Sonoma, the American pioneers proclaimed the birth of the Bear Flag Republic, raising a flag which had been made of a flour sack on which they stained in berry juice the figure of a bear--or intended as such: the sorely tried Sonomans thought it was a pig. The Republic was short-lived, as official hostilities had by

this time been opened in Mexico.

Fremont's superiors frowned upon his part in this affair, as he had been informed of secret instructions sent by Secretary of State Buchanan to Consul Larkin at Monterey, directing Larkin to conduct a peaceful intrigue with the Californian officials to encourage their inclination to throw off the yoke of the Mexican Government. Fremont survived court martial and was rewarded by American California by being sent to Washington as the new state's first Senator.<sup>1</sup>

J. S. Hittell, one of California's pioneer historians, called the Bear Flag Incident a blunder whereby a certain important and authorized plan of Consul Larkin's to gain possession of California by peaceful means was violently thwarted. Certainly the incident precipitated the violence and prolonged the bloodshed that characterized the conquest of California. Josiah Royce, one of the first scholars to seek the complete story through state papers and the resources of the national archives, said of it: "From the Bear Flag affair, we can date the beginning of the degradation, the ruin, and the oppression of the Californian people by our own."<sup>1-a</sup> It was during this uprising that the rallying cry of "California for the Americans" was first heard.

The American flag was raised at Monterey in July of 1846. For three years thereafter California had no legal status, for Congress, because of implications to the slavery issue, deliberately refrained from providing the conquered territory with a territorial government. Technically California was Mexican territory under the military rule of a hostile American force. Actually, as early as 1847, an ever-swelling tide of immigration had given California a considerable majority of American citizens.

In this chaotic period the American settlers became more and more confused: they talked of natural law and the constitution in one breath, considered the advisability of resuming the Bear Flag order, wrote indignant letters to the many new newspapers, worried over the rapid increase of population after news of the gold discovery reached civilization, and held meetings in abortive efforts to organize district governments and remove their fear of anarchy. The military governor decreed that the people had no authority to hold a constitutional convention until Congress took action. The people resented the military government and championed popular sovereignty. In June of 1849 the problem was disposed of unexpectedly when Military Governor Riley, himself surfeited with delay and conflicting theories of California's status, issued a proclamation calling upon the people to elect delegates to a constitutional convention at San Jose. The Governor, by ordering the convention, had abandoned his stand that the people could not legally begin their own state government without Congressional action; the people, by submitting to Riley's authority in this matter, abandoned their popular sovereignty stand. The compromise was sensible if not logical, and in short order the constitution was drawn up and ratified and state officials and legislature were functioning. California had been operating as a state for a year before Congress got around to admitting it to the union.

The ratification of the Treaty of Guadalupe Hidalgo in 1848 was the signal for many able politicians to hasten to the newly acquired territory of California with the purpose of safeguarding the slave interests. They

arrived in California when hordes of gold seekers were pouring into the region. The predominance of California sentiment opposed to independent enterprise in the gold fields running competition with slave labor quickly destroyed hope of extending slavery through the present states of New Mexico and Arizona to the coast and leaving only northern California free soil. Geographically, California remained undivided; categorically, her soil remained free.

However, the influence of the Southerners in California was both deep and wide. In the crude frontier town and in the rough mining camp, the Southern politician stood out much as a man in a dinner jacket stands out at a masquerade. His fine black broadcloth and immaculate white linen, his polished speech, his gracious manner, all spoke eloquently of a gentler and more cerebral way of life; he typified the civilization and culture which California's adoptive sons had left behind them and for which they suffered a wistful nostalgia. The "Chivalry Democrats" took California by storm. The swaggering, rough and ready frontier society went down like ninepins at the first impact of Southern charm. Outstanding among the visitants was Dr. William McKendree Gwin, erstwhile Congressman from Missouri, who had vowed in Washington to return as California's first Senator. He was to dominate California politics until the Civil War; his group, many of whom took families and slaves to California, forming a third of the new state's population during the first decade of statehood, dictated not only politics but polite social usage, and inevitably Southern opinion patterned and colored general thinking. Dr Gwin had no trouble in fulfilling his vow and returning to Washington as one of California's first Senators; the other was John C. Fremont.

Gwin and Fremont, in their first session, rewarded their squatter constituents by effecting the first discriminatory piece of federal legislation to emanate from California. This was the Land Act of 1851, dear to the squatters, who had been dismayed to find on their arrival in California that the land grants of the native Californians were protected by law, and that the hardy pioneers could not appropriate whatever piece of land suited them if it happened to be within the boundaries of a Mexican or Spanish land grant. The Act created a board of three commissioners authorized to receive petitions for the private land claims and to pass on their validity. Claimants who failed to present their claims within two years were to be penalized by having their lands held as part of the public domain. An appeal from the decision of the Land Commission could be made to the District Court of the United States and thence to the Supreme Court.

Two of the more restrained critics of the Land Act have this to say on the subject: "It is not difficult to understand the feeling that was rife. . . that numerous original owners of California lands, guaranteed protection by the United States, were mistreated, subjected to embarrassment and indignity, and in some instances actually despoiled by the harrassing activities of squatters and squatter lawyers, and even by the government itself. The old California rancheros belonged to an earlier regime--they were no match for the 'sharps'....Even when fraud was not practiced the proceedings required to clear title were utterly baffling to the average rancho, and likewise unconscionably drawn out and ruinously expensive....It was more than ten years after the Treaty of 1848 before the United States confirmed the title to any grant; it is recorded that before one claimant could call his land his own he was compelled to wait thirty-five years!"<sup>2</sup>

II

The Unwelcome Foreigners of the Gold Rush

In the 'Forties and 'Fifties, Americans in California defined specially and variably the word foreigners. Until the Gold Rush got under way, the term as used by the conquerors meant the native Californians; early in the Gold Rush period, it came to include native Mexicans, all South Americans, and Chinese. Curiously, it did not include immigrants of European birth, not even those of dark complexion.

Gold was discovered at Sutter's mill on the American River in January of 1848, but news of the discovery did not reach the East until fall. Before the close of the year the first shipload of gold-seekers embarked for California via Panama. At Panama they crossed the Isthmus to await the arrival of the California, which, prior to the announcement of the gold discovery, had left the East Coast to go around the Horn and inaugurate the new mail service to California. By the time the California reached a Peruvian port, the great news had reached South America, and 75 Peruvians took steerage passage to San Francisco. At Panama the Captain found a thousand North Americans clamoring to be taken aboard his vessel which was built to accommodate perhaps a fourth of their number. "The Americans were unanimous in their sentiment that California gold plainly belonged to American citizens of the United States, and that South Americans who sought the gold fields were no better than thieves."<sup>1-b</sup> The Peruvians, having paid their passage and being under the protection of the Captain, refused to be dislodged from the steerage and sailed for San Francisco--along with as many of the fairer skinned argonauts as could squeeze themselves aboard. Those left behind gave some vent to their feelings by writing letters to the paper which was published by the goldseekers during their stay in Panama. One of these letters, quoted in part below, expresses the attitude common to the gold seekers and foretells the terms upon which California has always been willing to tolerate such people as she regards as foreigners:

"If foreigners come, let them till the soil and make roads, or do any other work that may suit them, and they may become prosperous; but the gold-mines were preserved by nature for Americans only, who possess noble hearts, and are willing to share with their fellowmen more than any other race of men on earth, but still they do not wish to give all....We will share our interest in the gold-mines with none but American citizens."<sup>3</sup>

The "foreigners" have been tolerated, even welcomed, in California just so long as they continued to work well and cheaply at menial and unpopular labor which other residents have not wanted for themselves. It was early made clear that competition in more profitable fields would not be tolerated. The degree of prejudice against "foreigners" is indicated by the toleration, over a period of months in 1849, of the depredations of the Hounds, or self-termed "Regulators", an organized band of fair-skinned criminals, who robbed San Francisco spectacularly under the pretense of opposition to foreigners. While their favorite victims were South Americans, they had no real objection to plundering men of lighter complexion. The business men of the city eventually organized under the leadership of Samuel Brannan and rid San Francisco of the Hounds,<sup>2-a</sup> Steadily in those early years discriminatory legislative acts against foreigners mounted. In 1850 the first

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California legislature imposed a tax on foreign miners. Nominally affecting all foreigners, it was never enforced against Europeans; only against native Californians, Mexicans, South Americans and Chinese. These were obliged to pay a tax of \$30 a month for the privilege of trying their luck in the gold fields. The sum was more than most miners could make clear of expenses. The law was repealed in March of 1851, but for it was substituted a tax of \$4 a month which was imposed only on Chinese laborers in the mines. Eventually this law was declared unconstitutional. In 1850 Mormon Gulch passed resolutions that all Mexicans should leave those diggings within fifteen days or be forcibly expelled. On August 5, 1850, the San Francisco board of Aldermen by resolution prohibited aliens from engaging in "draying, driving hackney coaches, rowing boats for, the conveying of passengers, or selling spirituous liquors." However, as the 'Fifties advanced, the more general anti-foreign feeling in California narrowed down to an anti-Chinese frenzy.<sup>4-a</sup>

### III

#### California and the Chinese

The Chinese timed and placed their introduction to the United States badly. They arrived when the nation's attention was focused on the slavery issue, and they settled in California when that state was dominated by Southern politicians and Southern color prejudice.

The Chinese-American Treaty of 1844 opened five Chinese ports to American trade and gave Christian missionaries the right to carry their convictions into China. The first Chinese to appear on the Pacific Coast were merchants: one came to California in 1847; the following year two men and one woman arrived. News of the gold discovery magnetized Chinese as effectively as it did other people, and by 1850 there were about 1000 Chinese in California. Governor McDougal spoke officially of the Chinese as "one of the most worthy classes of our newly adopted citizens", expressing the hope that more of them would come to live in California. They obliged him. The summer of 1852 found 20,000 Chinese in California. The Governor's desire for Chinese was fairly representative of the people at that particular time. While the Gold Rush remained a stampede, the state was in dire need of common laborers. Business men, farmers, day laborers, and domestics had dropped everything to answer the call of fortune in the gold fields; there was no one left to attend to everyday, essential work. The Chinese seemed an answer to prayer. They philosophically performed the most menial tasks, laundry, road work, gardening, cooking, and housework--including baby-tending--and for their services they accepted low wages without complaining. Those who went to the gold fields were asking for trouble. They knew that they were not wanted and that they risked life and limb, but still some of the hardier spirits paid their tax, discreetly left the richer claims to their white competitors, and toiled away at mean prospects. Even so, by working longer hours and more steadily and by their frugal habits of living, the Chinese miners often accumulated more gold than the reckless young whites. This state of affairs seemed unjust to the favored class, and they frequently ganged together to drive the Chinese out of claims they themselves would not trouble to mine.<sup>4-aa</sup>

Throughout the 'Fifties Chinese immigration to California was given impetus by the Taiping Rebellion in Southern China, which had reduced the country to literal starvation. This condition was favorable to the develop-



ment of the contract labor system inaugurated by the Six Companies (Chinese). While, from the beginning, many Chinese emigrated to California on their own initiative, many more emigrated under the banner of the Six Companies. The difference between slavery and the type of contract labor known to the Six Companies was slight, but white California remained highly insensitive to this evil until a financial panic threw labor conditions into chaos on the Pacific Coast. The gold fields were about played out, and miners streamed back into San Francisco by the thousands, ready now to take humdrum jobs in order to live. They found that the Chinese were ahead of them, and at this point feeling turned against the Chinese even in his capacity of menial. The evils of contract coolie labor were cried from the soap box, the sand lots, and the formal platform. John Bigler, then governor, assailed the Chinese immigrants in a special message and requested the legislature to prevent their further immigration. Although exclusion bills were urged from every quarter, the proposals for such a major measure were all found to be unconstitutional. The people had to content themselves with minor discriminatory measures, passed chiefly by city councils. Among these was the "pig-tail" ordinance, thought up by the San Francisco board of aldermen, requiring convicted Chinese to have their queues cut off. The threat of this measure caused more consternation in Chinatown than did the vandalism of Caucasians who stoned passing Chinese laborers, smashed the windows of Chinese shops, and inflicted various indignities. Happily the mayor vetoed this measure. There were not infrequent riots, and in 1859 anti-Chinese sentiment in Shasta County rose to such a pitch that Governor Weller called out the militia to restore order.

During the 'Sixties the Civil War and the building of the first trans-continental railroad tended to take the attention of the Californians from the Chinese--who continued to pour into the country. The Big Four, intent on building the Central Pacific Railroad over the formidable Sierras to connect with the Union Pacific at Ogden, and having tried Indian, Negro and Irish workers on the back-breaking labor only to find them inadequate and quite indisposed to do the job at any price, thought of trying the small but wiry Chinese. The Chinese went to work on the railroad and immediately progress became visible. Without machinery or any such equipment as recent invention has granted, the Chinese with pickaxes, shovels, chisels, wheelbarrows, and dynamite inched the railroad over and around tremendous gorges, with a philosophic acceptance of Herculean labor and many casualties.<sup>22</sup> No one else wanted the work; indeed no one else could be hired to do it, but there were intermittent waves of moral indignation among labor agitators that the Chinese were taking bread out of honest white men's mouths. In general the Chinese question fell away into the background during this decade.

However, a year before the completion of the railroad, and in the face of vigorous California opposition, the Burlingame Treaty was concluded with China. This treaty renewed mutual assurances of protection and privileges of trade. Then in 1869, 10,000 Chinese who had been at work on the railroad returned to California--unhappily at the time when California was in the grip of a serious unemployment problem. Hostility toward the Chinese doubled, and state politics focused on the general feeling. In 1871 Newton Booth, Republican, was elected governor on an anti-Chinese platform.

In October of 1871 Los Angeles was the scene of a spectacularly bloody anti-Chinese demonstration. It occurred in Negro Alley, the Barbary Coast of Los Angeles. The Chinese who occupied one block of Negro Alley were unquestionably among the less respectable representatives of their race, their means of support being brothels, opium dens and gambling houses, but their lighter-

skinned neighbors of the adjoining blocks were morally in no position to throw stones. The law had interfered in a private matter occurring in the Chinese block, and a police officer and a white citizen had been wounded by a Chinese who happened to have a gun. The white residents of the alley promptly encircled the Chinese block and shot, stabbed or hanged every Chinese, regardless of age or sex, afterwards looting the buildings. The Grand Jury indicted 37 of the avengers, 25 on murder charges, but possible witnesses were afraid to give evidence, and little came of the official attempt to see justice done.<sup>4-b</sup> Far to the north, in Chico, the next outstanding act of persecution occurred in 1876 when a band calling itself the "Order of Caucasians" descended one night on a cabin of Chinese laborers and slaughtered the inmates.<sup>4-c; 6</sup>

The panic of 1873 precipitated the worst unemployment situation California had yet experienced. The new railroad had failed to perform its promised function of bringing phenomenal prosperity to California; instead, it brought a steady and appalling influx of unemployed from the east. From 1873 to 1875 alone the railroad deposited 150,000 unemployed in California.<sup>23-a</sup> The Chinese continued to arrive from China, and by 1876 their number in the state had reached 116,000.<sup>2-b</sup> However, in relation to the total population their number was insignificant. "Had there not been a single Chinaman in California during these critical years, virtually the same distress and unrest would have prevailed. That the whole theory of the Chinese as an economic menace was never sound, in point of fact, is indicated by the remarkable rapidity with which the argument against them was shifted from an economic to a so-called biological basis."<sup>23-b</sup> Nevertheless, at this time the self-effacing Chinese were blamed for all the misery of the jobless. In these years of want Dennis Kearney, sand lot orator and labor agitator, rose to prominence in San Francisco with the rallying cry of "California for the Americans! The Chinese must go!" The unemployed flocked to the sand lots to hear him. By the summer of 1877 anti-Chinese labor riots "were so severe as to render San Francisco police inadequate and threaten destruction of the city by fire."<sup>2-c</sup> The Committee of Safety, dissolved since 1856, revived under the leadership of its old president, William T. Coleman, and patrolled the city, climaxing its efforts with a two-hour battle to repel an attack on the Pacific Mail Steamship Company's docks where Chinese immigrants were landed.<sup>2-d</sup> Kearney's influence spread, and by September of 1877 the San Francisco Trade and Labor Union broke relations with existing political parties to enter politics under Kearney's banner as the Workingmen's Party of California. Of the 152 members of the convention to draw up a new state constitution in 1879, 51 were Workingmen. The new state constitution was strongly anti-Chinese, but many of its provisions were later found to be in conflict with the federal constitution.

Although the federal government was not to take its first direct step toward exclusion until 1880, it made in the twelve years prior to 1880 a number of moves which either eased the accomplishment of exclusion or affected to some degree the position of Chinese--and other less favored minorities--in the United States.

The negotiators of the Burlingame Treaty with China (1868) tacitly recognized a link between Chinese and Negro issues. Ratification of the treaty was imperative to the development of a lucrative trade with the Orient: one important trade route had just been established, and another was due to open up within a year. To satisfy a Congress struggling with the problem of Negro suffrage that the treaty would not precipitate another knotty issue, the negotiators included in the treaty a clause which, without prohibiting the naturalization of Chinese, implied that the negotiators were no advocates of such naturalization: "Nothing herein contained shall be held to confer naturali-

zation upon citizens of the United States in China nor upon subjects of China in the United States." In the course of the Congressional debates on the Naturalization Law of 1870, the Chinese question was definitely connected with the Negro problem. The Act, by its limitation clause--which was not inadvertent, since a western representative had asked pointedly, "And what about the Chinese?"--established the racial basis of our naturalization law. The Act extended the privilege of naturalization to "free, white persons" and to "aliens of African nativity and persons of African descent." However, since the courts were slow to fix a definition of "white", a number of Chinese were naturalized in the United States after enactment of the law.

In the five-year period following the Civil War, three constitutional amendments devised specifically, though not exclusively, for the benefit of the Negroes were adopted. The Thirteenth Amendment (1865) prohibited slavery and involuntary servitude, except as a punishment for crime, within the United States. The Fourteenth, (1868), in the first of its four sections, (the other three have no bearing on this study), sought to establish equal rights for the Negro in everyday life, but its language applies equally to all citizens and establishes the rights of aliens within the jurisdiction of the United States: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deny to any person within its jurisdiction the equal protection of the laws." The Fifteenth Amendment (1870) declared that the right of citizens to vote "shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude."

These amendments were implemented by legislation: a Civil Rights Bill, passed over President Johnson's veto in 1866 and re-enacted in the Enforcement Act of 1870, and a second Enforcement Act in 1871. In a narrow sense, this legislation guaranteed the freedman equality in civil status with white men and provided extensively for the punishment of anyone who attempted to deprive him of that equality; in a broad sense, it transferred protection of the rights and welfare of the individual from state to federal jurisdiction.

At the time of their enactment, because of their tenuous tie with constitutionality, these laws disturbed a number of American judges. During the 'Seventies an odd assortment of cases, inspired by Section 1 of the Fourteenth Amendment, reached the Supreme Court of the United States. On the basis of doctrines enunciated in the first of this series of decisions, the famous Slaughter House cases from New Orleans, the Court refused to grant the desires of certain New Orleans citizens to slaughter cattle in their back yards,<sup>31</sup> of a woman lawyer to be allowed to practice law in Illinois,<sup>31-a</sup> of a naturalized German to sell whiskey in Kansas,<sup>31-b</sup> and of a woman to vote in a state that denied suffrage to women.<sup>31-c</sup> The doctrines upon which these decisions rested definitely narrowed the interpretation of the Fourteenth Amendment: the Court held that the privileges and immunities pertaining to United States citizenship mentioned in that amendment were not the general, fundamental rights incidental to life in a democracy, but only those particular rights specified in the federal constitution, and hence the United States was authorized to protect only those latter rights, and the fundamental civil rights remained under the exclusive jurisdiction of the individual states.<sup>31</sup>

In 1875 the Supreme Court had opportunity to express its views on the Enforcement Acts and to trim still further the scope of the Fourteenth Amend-

ment. In that year two cases, *The United States vs. Reese*<sup>31-d</sup> and *The United States vs. Cruikshank*,<sup>31-e</sup> came before the Supreme Court, with the result that the Enforcement Acts were declared unconstitutional; and, in the second of these decisions, the Court stated with finality that the Fourteenth Amendment authorized the United States to see that the protection given by state governments and laws should be uniform in its application, but not to protect citizens against fellow citizens; that latter obligation was a function of the state governments. Not long afterward, the decision rendered in the Granger cases,<sup>31-f</sup> which involved maximum rate laws of the Western States, recognized state jurisdiction over property rights. Thus, one by one, powers which, early in the chaotic reconstruction era, had been interpreted by "radical" Republicans as being prerogatives of the federal government were handed back to the states; and, as a result of these decisions, a strong faction in any state was placed in a position to force its will upon a weaker faction without risk of federal intervention.

Anything lacking from the completeness of state power over minorities was supplied in 1877 by the terms of the informal but binding Wormley Agreement, which was the price of the election of Hayes to the presidency. It received its name from the fact that it was reached in Wormley's Hotel in Washington--on February 26, when a filibuster had delayed the final electoral count in the disputed Hayes-Tilden election to the point where there was some danger of an interregnum and anarchy. "Generalized, this famous bargain meant: Let the reforming Republicans direct the national government and the southern whites may rule the negroes."<sup>32</sup> Time and other elections have annulled the first clause of that agreement, but the second has remained in effect to the present day, and has been expanded into a policy that allows any state a virtually free hand in dealing with its unpopular minorities.

At the time when Supreme Court decisions and the Wormley Agreement materially affected the jurisdiction of the federal government over individuals within the several states, the United States had in effect treaties with both Japan and China, which guaranteed to Japanese and Chinese nationals in the United States the same rights and privileges accorded nationals of the "most favored nations." Although the United States no longer had the authority to substantiate these guarantees, it nevertheless continued to include them in subsequent treaties--with the result that it has been obliged to explain, in the face of flagrant discrimination against nationals of China and Japan in California and some other states, that it has no authority to fulfill such specific treaty obligations because of the scope of state jurisdiction.

The early political affinity between South and Far West did not die with the Civil War. Its continued existence was "clearly indicated in the vote of Congress on the important measures introduced after 1876 affecting the Chinese.... Much as the national government capitulated to the South on the Negro question, as the price of the peaceful inauguration of President Hayes, so the national government capitulated to California on the Chinese question." These acts of appeasement completed the denationalization of civil rights legislation. Throughout the years of organized anti-Chinese agitation, California kept both the national government and the two major political parties in line by "bringing up controversial measures affecting the Chinese on the eve of Presidential elections (most of the important anti-Chinese measures passed by Congress were enacted on the eve of national elections). With the Pacific Coast vote becoming of greater national significance as population continued to move westward, the two major political parties vied with each other in seeking to appease California on the Chinese question. Had it not

been for the sharp national cleavage over the Negro question, it is highly questionable that this initial anti-Chinese legislation would have been passed by Congress."23-c

In 1880 the conclusion of a new treaty with China marked the first step toward the exclusion of Chinese. This treaty permitted the United States to "regulate, limit, or suspend" the admission of Chinese laborers but not to "absolutely prohibit it. The suspension shall be reasonable." The American Federation of Labor, then in its infancy, expressed approval of this move and urged further legislation to prohibit Chinese immigration altogether. In 1881 a bill to suspend Chinese immigration for 20 years was vetoed by President Arthur on the grounds that it constituted a breach of our national faith. In 1882 the bill in modified form was enacted, suspending immigration for 10 years and demanding that Chinese visiting China from America and wanting to return to America must have identification certificates. The Chinese government was not pleased. By this time there were 132,000 Chinese in the United States, the highest number ever reported.<sup>6-a</sup> Agitation in California increased in fury and expressed itself in acts of violence. A spirit of retaliation developed in China. International correspondence was heavy and produced a new treaty in 1887, but the Senate refused to ratify it.

In 1888 the Scott Act, in total disregard of existing Chinese treaty rights, became law. It prohibited the further issue of certificates to Chinese laborers who returned to China from America, thus effectively preventing their getting back to America. It was contested, but the Supreme Court ruled that it was not invalid or restricted in its enforcements. In 1892 Congress passed the Geary Act, which prohibited immigration for another ten years and provided for the deportation of any Chinese who could not produce a certificate of residence. Again the Peking government protested, but the Supreme Court upheld the law, ruling that its provisions "must, if clear and explicit, be upheld in the courts, even in contravention of stipulations in an earlier treaty." Following on six years of international correspondence and diplomatic wrangling, President Cleveland, on December 8, 1894, proclaimed a new immigration treaty which regulated the admission of Chinese laborers to the United States in a fashion more in accord with international ethics than the Scott Act had been.

The year 1901 was largely given over to anticipation of the termination of the Geary Act. The Chinese minister politely but insistently requested an adjustment that should be "more in harmony with the friendly relations between the two governments." Congress was buried in memorials, petitions, and resolutions to secure further restrictions; the chambers echoed with debates on the subject. On April 30, 1902, President Roosevelt approved the enrolled bill "to prohibit the coming into and to regulate the residence within the United States... of Chinese and persons of Chinese descent", and applying the exclusion principle to our island possessions. In 1904 Congress re-enacted and extended "without modification or any condition or stipulation as to time all laws then existing relative to the Chinese", thus settling the question of Chinese exclusion for 39 years--until fortunes of war made China the ally of the United States and so brought the subject once more before Congress.

Hunt and Sanchez, both Californians, whose scholarly integrity has won a gallant fight against their emotional prejudices, state regretfully: "The history of Chinese immigration is not a record in which the Californian can

take unmixed pride--political ambition, bigotry, and race prejudice played conspicuous parts in the agitation."<sup>23-c</sup> Carey McWilliams attributes the success of California in "browbeating" the nation on the Chinese question first to the coalition of Southern and Californian votes in Congress and second to the fact that the nation as a whole did not know the Chinese, never got an "objective, scientific, factual account of the Chinese on the west coast", and "permitted private pressure groups to determine our immigration policies."<sup>23-d</sup> His weighing of the most recent and painstaking research on the subject leads him to "doubt that the Chinese were ever in direct competition with any other labor group; their labor, in almost every respect, tended to complement rather than to supplant that of other groups. Actually there is good reason to believe that, by their presence, they tended to bolster up rather than to depress the wage standard for so-called 'White-American' workers."<sup>23-e</sup>

#### IV

#### California and the Japanese

As the number of Chinese in California diminished, it was perceived that exclusion and the attendant agitation and persecution, which drove many Chinese eastward or back to China, had caused a labor displacement. However California has discriminated against the class that furnishes cheap labor, she has faced catastrophe under her agricultural system if she finds herself without a source of reliable and cheap labor. Just as the dwindling of the Chinese labor supply was being felt in California, the Japanese began coming into the country and were at first accepted as welcome substitutes for the Chinese.

Until 1884 the Japanese government allowed no emigration of the laboring classes. Until 1860, when the first Japanese embassy was sent to America, America had known only a few castaways of Japanese blood, transients who returned to Japan as soon as they could get transportation. In the 'Sixties various embassies, students, and travellers reached America from Japan, and in 1860 California acquired two small groups of colonists, one attempting an ill-fated silk and tea-growing project at Gold Hill, and the other, consisting of highly educated Japanese liberals, leasing land in Alameda and establishing a farm of less extraordinary nature.<sup>18</sup> The census of 1870 showed 56 Japanese in the United States; in 1880 there were 148; by 1890, after six years of permitted labor migration, there were only 2,039 in America. Not until 1891 did the yearly immigration exceed a thousand Japanese.

The Japanese laborers, like the Chinese, came to America without families and with little if any money. They took what work they could get and naturally fell into the least agreeable kinds. As a Japanese immigrant saved a little money and acquired some knowledge of the new language, he tended to become a boss of a group of his countrymen more recently arrived than himself. The boss produced the number of men required at a given time in industry or agriculture, attended to time-keeping and pay, and saved the employer much time and trouble. As these groups of Japanese workers established their efficiency, the bosses were in a position to demand higher wages for them. The background of the majority of Japanese immigrants was rural; in Japan they had been small farmers or farm laborers. Although they might through necessity engage in unskilled labor in industries and construction work on arrival in America, their tendency was to return to the land, where living conditions were healthier and more agreeable, and where there was opportunity for the

advancement denied them in factories and on the railroads.

There were superficially impressive similarities between early Chinese and early Japanese immigrants to America: they were both Asiatic; they both came as single men; and they had similar organizations of labor gangs under a boss. There were less obvious but highly significant differences. Whereas the Chinese, even in the years when feeling against him ran highest, clung to his native attire and his peculiar hair arrangement, the Japanese, immediately upon arrival on the American mainland, adopted American dress. The Chinese laborers continued single, continued as a mobile labor force, as long as they lived. The Japanese, as soon as they saved enough money to establish themselves, tended to send for their wives and begin family life in the new country. The Chinese were not enterprising in business; the Japanese were. One writer describes the contrast as it existed in the period when horse-drawn vehicles were passing from the scene: "The Chinese laundry operator was content with unpainted shack and an aged and utterly discouraged crow-bait of a horse who pulled an old wreck of a wagon patched up with bailing wire and bearing a home-made sign 'Wau Shon, Chinese Laundry'; the Japanese laundry blossomed out with plate glass windows, a gold-lettered sign and a Ford delivery truck proclaiming on its sides: 'Fujiyama Hand Laundry. Cleaning and Pressing a Specialty!' All this, however, instead of allaying prejudice, seemed only to make the Japanese competitor appear more astute, and therefore more subtly dangerous."<sup>7</sup>

#### Anti-Japanese Agitation in California

In 1887, a San Francisco doctor named O'Donnell, who turned from medicine to politics, sounded the first cry of "The Japs must go", and attempted to make a political issue of the matter in municipal elections. He could find no audience as there were only 400 Japanese in the entire state at that time, and these, being mostly domestic servants and farm laborers, were so widely scattered that few people knew they existed.<sup>5</sup> In 1890 members of the shoemakers' union in San Francisco attacked 15 Japanese cobblers employed in a shoe factory. The owner, a man named Chase, refused to protect them, and they left to seek work in homes or on farms. In 1892, in San Francisco, the local cooks' and waiters' union attacked a Japanese restaurant, and in the same year agitation started for the exclusion of Japanese children from the public schools<sup>5-a</sup>-this though there could have been only a handful of Japanese children in the city at that time: in 1906 when the San Francisco School Board attempted to enforce the segregation of Japanese school children, Secretary of the Navy Metcalf, investigating the San Francisco school situation for President Roosevelt, found only 93 Japanese children enrolled in the schools of the city.

In 1900 the first strong note of opposition was sounded, on May 8, at a mass meeting called in San Francisco to consider the re-enactment of the Chinese exclusion law about to expire. At this meeting Mayor James Phelan, Professor Edward Alsworth Ross of Stanford University, and various labor leaders and politicians spoke in favor of renewing the Chinese exclusion law and, in the course of the meeting, resolved to urge the adoption of a law to exclude all classes of Japanese except members of the diplomatic staff from the United States. A few years earlier some of these very men had demanded the exclusion of Chinese on the grounds that they remained Chinese in custom and attire, making no attempt to become Americanized. At this time they asked the exclu-

sion of the Japanese, saying in all seriousness, "Such a law has become a necessity not only on the grounds set forth in the policy of Chinese exclusion but because of additional reasons resting in the fact that the assumed virtue of the Japanese--i.e., their partial adoption of American customs--makes them the more dangerous as competitors."<sup>8</sup>

It has been said on excellent authority that "No other immigrant group ever settled in America under more adverse circumstances than the Japanese."<sup>23-f</sup> As the Chinese entered America under the shadow of the Negro problem, the Japanese entered under the shadow of the Chinese question, inheriting the position and the prejudice that had been the lot of the Chinese. Looking to the South with its ever-growing and never-solved Negro problem, California was fearful of any non-white group turning into a similar color-problem. Furthermore the Japanese were unfortunate in arriving in large numbers just as Japan emerged from obscurity into the international limelight. "Japanese immigrants, therefore, came to be associated with the rise of Japanese nationalism. To the folk-mind of California, they appeared as the spearhead of an actual Japanese invasion. The uneasiness which their presence occasioned only increased as Japanese nationalism became more menacing."<sup>23-g</sup>

The forces that had accomplished the exclusion of the Chinese had developed legends, techniques, and arguments which with little alteration could be turned against the Japanese. Politicians and pressure groups served their apprenticeship in the anti-Chinese crusade. By the turn of the century the veterans were ready to launch a new crusade. In the campaign against the Japanese is found the most spectacular manifestation of California's rugged individualism, which Royce labeled "social irresponsibility." Throughout the long and bitter fight to force the Japanese out of the state, California acted with complete disregard for existing treaty agreements between our nation and Japan, international consequences of her acts, and the commitments of the federal government.

In 1901 a joint resolution of the California Legislature (requested by Governor Gage) appealed to Congress for legislation to restrict the immigration of Japanese laborers, and shortly thereafter the legislature of Nevada adopted a similar resolution. The verbiage of the United States Industrial Commission's report for 1900 echoed the legends spun by California's crusaders. It should be kept in mind that by United States Census figures, there were, in 1900, 24,326 Japanese in the United States, but the Industrial Commission speaks of "great hordes of Japanese coolies who have already secured a monopoly of the labor in the agricultural industries of the Pacific States....They are more servile than the Chinese, but less obedient and far less desirable. They have most of the vices of the Chinese, with none of their virtues. They underbid the Chinese in everything, and are as a class tricky, unreliable and dishonest." With no mention of how he arrived at these conclusions, the writer says, "The number of Japanese coolie laborers in California today is greater than the total number of Japanese arrivals shown by the immigration records at all of the United States ports for the last 10 years. How, then, came they among us? This is another Asiatic mystery. The movement, the motives, the coming and going of these stoical, strange Mongolians are as a closed book to the white races. As with the birds of passage, today there may not be one in sight, tomorrow they may be with us in countless thousands."

Agitation lulled until 1905--except for a resolution passed by the American Federation of Labor in annual convention at San Francisco in November of 1904: to extend the Chinese exclusion act to exclude Japanese and Koreans.



from the country. 1905 saw Japan emerge victorious from the Russo-Japanese War to assume a position among the world powers. San Francisco was at that time controlled by the Union Labor party. In the spring of 1905 the Japanese and Korean Exclusion League was organized by the labor interests, and the San Francisco Chronicle took up the crusade, running a series of sensational articles, beginning February 23. The Chronicle's was the first press campaign devoted to the removal of the Japanese, and by March 1st it effected the passage of a resolution by the state legislature demanding immediate Congressional action to restrict further immigration of Japanese laborers.<sup>10</sup> The San Francisco Board of Education on May 6 passed a resolution to establish separate schools for Chinese and Japanese children, but took no action upon the resolution that year.

The year of 1906 is important in any consideration of the Japanese in California. The great earthquake and resulting destruction of the city of San Francisco by fire produced chaos. The entire life of the city was disorganized, and the forces for law and order, none too powerful to begin with, were totally disrupted. The general confusion was characterized by innumerable assaults, robberies, acts of vandalism and strikes. The Japanese population was the favorite target of the lawless. Japanese business establishments, especially the restaurants, suffered violent and unrestrained attacks by boycotters. Policemen on the beat looked the other way or kept out of sight, and the boycotters in some instances were not above using their power for extortion.<sup>24</sup> At this time many Japanese fled the disordered city of San Francisco and settled in the Los Angeles area, which later was to know the heaviest concentration of Japanese of any part of the Pacific Coast. Despite many attacks on Japanese individuals and businesses, there were no international repercussions of the situation in San Francisco until October, when the school board directed all public school principals to send "all Chinese, Japanese and Korean children to the Oriental School...on and after Monday, October 15, 1906." There were immediate appeals to the school board, from the Japanese residents, and also from the Interdenominational Missionary Conference. The nation's press was divided; the teaching profession as a whole condemned the action. The board was adamant. The 15th of October arrived, and segregation took place. Then the local Japanese sought the intercession of the Japanese Government, which protested this abrogation of the treaty of 1894 to the United States Government, and President Roosevelt sent Secretary of the Navy Metcalf out to investigate the whole situation.

Secretary Metcalf's report disclosed the fact that this upheaval had arisen over the presence of 93 Japanese children who were distributed among 23 public schools in San Francisco; 25 of the 93 were American citizens. Mr. Metcalf described unprovoked attacks on Japanese residents by hoodlums and also the extent of the opposition of educators and more thoughtful people to the discriminatory measure.<sup>24-a</sup> Early in 1907 the President invited the Mayor of San Francisco and the recalcitrant school board to Washington to talk things over. This informal conference resulted in the school board excepting Japanese children from the segregation order, and in the Immigration Act of 1907, which prohibited the migration of Japanese from bordering countries and Hawaii and authorized the President to enter into "such international agreements as may be proper to prevent the immigration of aliens, who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters relating to such immigration." Thus, as a far-reaching consequence of the San Francisco School Board's determination to exclude 93 children from the city's public schools, the Gentlemen's

Agreement came into being. Under the unrecorded terms of this agreement, the Japanese government agreed to issue passports only to non-laborers, laborers who had established residence in America and wished to return there, and the immediate families of such laborers. Japan voluntarily extended the terms to cover the issuance of passports to Hawaii, Mexico and Canada. The administration of this agreement rested in the hands of the Japanese government.

This arrangement acceptable to Japan and acceptable to America in general, did not satisfy the Exclusion League, nor did it satisfy the organization known as the Native Sons and Daughters of the Golden West. The latter organization, formed in 1875, began in May 1907 to publish a monthly magazine, The Grizzly Bear. The first issue carried a significant article by a native son, entitled "The Asiatic Peril", in which the author cried out upon Washington officials and the Eastern press for championing the Japanese, citing instances and ending: "Thus it may be seen from the foregoing, that the country is not with us, and the party leaders are not with us in our attitude toward Asiatic immigration. I have, therefore taken some space to set forth the dangers to which our white civilization in California is exposed. I have done so hoping that the Native Sons of the State may realize their danger, and that they may work together in this new crisis as their elders did when the first Asiatic wave threatened to overwhelm us thirty years ago."<sup>12</sup> Two years later the Native Sons were still protesting through their official mouthpiece the moral hazards little Caucasian girls ran in being forced to recite in the same school room with Japanese boys.<sup>12-a</sup>

The Exclusion League, grown beyond the borders of California, held its first annual convention at Seattle in February of 1908, and on this occasion sent a memorial to Congress to express its stand against "any agreement which will permit the ruler of any foreign power to make stipulations as to what class of persons and in what numbers shall leave said foreign country for the purpose of immigrating to the United States."<sup>8-a</sup> Although the Exclusion League had spread its dominion over the entire West, California remained its stronghold, furnishing it with 110,000 members at the time of this convention. According to the figures of the organization's official proceedings for May, 1909, the organization consisted of 238 affiliated bodies in California alone; labor contributed 202, fraternal organizations 18, civic 12, benevolent 3, political 2, military 1. The Immigration Commission Report from which these figures are quoted continues:

"While not limiting its membership in any way, the league has always been dominated by organized labor, and the position taken by it has always had the support of organized labor in general. The strength of feeling against the Japanese among union laborers has been shown by frequent boycotts of Japanese goods and services, by fines imposed on members patronizing Japanese and by the fact that membership in labor unions has been closed to the Asiatics."<sup>8-b</sup>

Agitation against the Japanese had definitely been given impetus by the increased immigration of Japanese to California following on the annexation by the United States of the Hawaiian Islands. These, in the years before the Immigration Act of 1907 prevented further migration from the Islands to the mainland, came to the continental United States without sanction of the Japanese government. An estimate made by the United States Commissioner General of Immigration offers the figure of 37,000 for the arrivals from Hawaii in the five-year period of 1902-07.

West Coast pressure groups consistently fought the Gentlemen's Agreement on the grounds that it was not effective in controlling labor immigration and that hordes of Japanese continued to pour into the country by fair means or foul. Evidence to support these charges has always been lacking. The findings of the United States Immigration Commission in a report covering the years just after the Gentlemen's Agreement began to function are relevant at this point.

"All of the data gathered by the agents of the Commission show that since the summer of 1907 very few Japanese have entered the Western States except those who came directly from Japan and were regularly admitted at the immigration stations.

"During the year 1907-08 the number of Japanese who were admitted to the continental United States was 9,544, and among them there were many of the class not presumed under the agreement to receive passports, but, as explained by the Commissioner-General of Immigration, 'the system did not begin to work smoothly in all of its details until the last month of the fiscal year.' (Report for fiscal year ended June 30, 1908, p. 126) During the two years which have since elapsed, however, the numbers admitted have been very much smaller-- 2,432 and 1,552 for the two years respectively. Of the 2,432 admitted in 1908-09, 768 were former residents, leaving 1,664 who came for the first time. A comparatively small number who were admitted came with passports to which, according to the understanding of the Bureau of Immigration, they were not entitled, while some were admitted who did not possess passports to this country properly made out. (Report of U. S. Commissioner-General of Immigration for fiscal year ended June 30, 1909, p. 100). The great majority of the much-reduced number admitted, however, have been of the non-laboring class--1,719 of the 2,432 admitted in 1908-09. Though a large percentage of the non-laborers take work as wage laborers upon arrival in this country, and the classes excluded are not just the same as under the Chinese exclusion law, the regulation is undoubtedly effective at present in preventing any 'detriment' to labor conditions.

"A large percentage of those who have come recently have been the wives and children of Japanese already in this country. The number of Japanese males of the laboring class departing from the United States is in excess of the number who are admitted at the ports."<sup>25\*</sup>

The legislature of 1909 considered 17 anti-Japanese bills, most of which were trivial, but one affected Japanese ownership of land and another favored school segregation of Japanese children. President Taft intervened and the bills failed to pass. A resolution in favor of a Japanese exclusion law was sent to Congress. One bill that passed provided for the collection of information concerning Japanese labor in California. The State Commissioner of Labor conducted the investigation with thoroughness, and a year later submitted a 200,000-word report to the Governor. Unfortunately for the scrupulous Commissioner, his findings did not suit the tastes of the Senate, which promptly buried the report and formally expressed its disapproval in the following resolution:

"Whereas, the State Labor Commissioner has in his report concerning Japanese laborers, expressed his opinion of the necessity of such laborers in this State

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\*(Underscoring not in original quotation.)

this State, and thus without authority misrepresented the wishes of the people of this commonwealth, therefore be it Resolved, that the opinion of such Labor Commissioner is hereby disapproved by this Senate."<sup>13</sup>

In the general election of 1910 all three parties in California had anti-Japanese planks in their platforms. Hiram Johnson became Republican governor on this plank. In November of 1910 President Taft invited Governor-elect Johnson to visit him at the White House. At this time the Treaty of Commerce and Navigation with Japan (replacing the old treaty of 1894) was being negotiated, and the Panama International Exposition was looming on the horizon with various cities eager to receive it. Of the meeting between California's next governor and the President, the New York Times commented in the issue of January 28, 1911:

"Mr. Taft put the Governor under a promise to go home and keep his State quiet until the treaty could be ratified. He said that if the newspapers and mass meetings broke out against Japan in any way it would cause such opposition that San Francisco would never get the exposition. Governor Johnson gave the promise and has kept it thus far."

The terms of the treaty were released in the spring of 1911. It differed little from the treaty of 1894 except for the omission of a clause which, in the earlier treaty, made it allowable for the United States to enact a law excluding the Japanese. However, in return for this omission, the Japanese government attached to the treaty a declaration that the Imperial Government was fully prepared to "maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of laborers to the United States." The people of California protested the omission of the immigration clause from the treaty and deluged their Congressmen with demands to oppose the treaty. However, the California Senators voted for the treaty. It was ratified all around and proclaimed on April 5. Hiram Johnson accepted the ratification without a murmur, and although twenty-odd anti-Japanese measures were presented to the state legislature that year, including the forerunner of the Alien Land Act of 1913, even the Asiatic Exclusion League sent a formal communication to the legislature, urging caution at this time.<sup>14</sup>

However, by 1913, when it was settled that the Panama Pacific Exposition would be held in San Francisco and Japan had begun work on her impressive exhibits, what with a Democrat in the White House and a Republican in the Governor's mansion at Sacramento, the lid blew off. The Asiatic Exclusion League reverted to normal and insisted that without hindrance the Japanese would in a decade have control of all agricultural resources in California, advocating laws prohibiting the sale or lease of land to Japanese and asking that the laws be made retroactive. The pillars of the League were V.S. McClatchy, publisher of the Sacramento Bee, William Randolph Hearst, Senator James D. Phelan, and various self-termed "patriotic" groups.<sup>15</sup> The legislature, faced with a plenitude of bills affecting Japanese ownership of land, ended up by passing one that originated in the senate and was knocked into final shape by Senator Francis J. Heney and the State Attorney General, U.S. Webb. This bill barred aliens ineligible to citizenship from buying agricultural land after the date when the bill should become law, provided that any land purchased after that date by an ineligible alien should escheat to the state, and limited the time that any such alien might lease a piece of agricultural land to three years; also, by its terms, corporations that had a majority of their

stock owned by ineligible aliens were regarded as persons of such ineligible alien origin.

President Wilson protested the bill and sent Secretary of State William J. Bryan hurrying out to California to block it, seeing in its terms embarrassment for the federal government and an eschewal of treaty obligations. The effect of the Presidential intervention was to make Heney and Webb give their full and considerable legal knowledge to shaping the bill on the foundation of the federal law which extended naturalization privileges only to people of white and black races. It was subtly and skilfully worded to keep it within the confines of the treaty agreement. The treaty authorized Japanese aliens to lease and occupy land for residential and commercial purposes but made no mention of agricultural lands. The Alien Land Law of California took advantage of that distinction, and the supporters of the law defended it with the statement that Japan could not reasonably or successfully oppose a law which virtually enacted a Japanese treaty into a State Statute. There was voluminous international correspondence on the subject, with the federal government protesting that the law was the result of economic considerations peculiar to California, and the author of the bill, Attorney-General Webb, embarrassing the federal government by stating flatly in an address before the Commonwealth Club of California on August 9, 1913: "The fundamental basis of all legislation upon this subject, State and Federal, has been, and is, race undesirability." The bill became law on May 19, 1913.

In an article appearing in the Survey, June 7, 1913, H.A. Millis, an able and impartial scholar, characterized the land law as "unjust, impolitic, and unnecessary." He spelled out his statement in a book on the Japanese problem written a little later, pointing out that the law was unjust in that it took advantage of discrimination under the naturalization law to further discriminate between aliens of different races lawfully in the country; impolitic because "it was opposed to the spirit and fundamental principles of amity and good understanding upon which the conventional relations of the two nations depend"; and unnecessary because immigration had already been heavily and efficiently restricted under the terms of the Gentlemen's Agreement.<sup>16</sup>

With the Alien Land Law achieved, with the state concentrating on preparations for the great Exposition of 1915, and with the outbreak of the European War of 1914-18, anti-Japanese agitation in California died away into a low murmur. Many nations involved in the war withdrew their support of the Exposition, but Japan remained in, and her exhibitions contributed greatly to the success of the occasion. Possibly in appreciation, possibly because the war tended to dwarf lesser issues, pressure groups quieted, and there was a period of comparative internal peace in the state. Too, from the outset of the war in Europe, there was a growing demand for American goods, especially for foodstuffs, by the warring nations, and it was expedient for California to make use of the Japanese talent for raising foodstuffs. In these years there were evasions of the Alien Land Law on the part of both large land owners and Japanese, but, in view of abnormal conditions, the authorities tended to ignore the evasions. In January of 1915 an assemblyman named Shartel introduced a bill to prohibit the lease of land, even for the three-year period, by ineligible aliens, but with Japan contributing liberally to the success of the California Exposition, and with the increased demand for foodstuffs benefiting California big business, the press and even Governor Johnson opposed the bill, and it was suppressed. With the entrance of America into the war, American manpower was drained from the land into the armed forces or defense

industries, and California was content for the time being to let the Japanese farm the land in peace.

During these years of the war, California pressure groups rested but were not napping. They began to perceive loopholes in the Land Act of 1913. It seemed wrong to them that these aliens should be allowed to lease land even for three years, and that they should be allowed to own stock in corporations so long as they did not hold a majority. They discovered that aliens, unable now to buy land for themselves, bought it for their citizen children and farmed it. They resented more and more strongly the custom of Japanese parents in the homeland arranging marriages for their absent sons and sending the selected brides to America to join the grooms, sight unseen. An exchange of photographs was in accord with Japanese custom, before the contract was signed. Thus, these brides, who were allowed passports under the Gentlemen's Agreement, came to be called "picture brides", and the California crusaders saw in the custom a dark plot to people the good American earth with yellow babies who would be American citizens. However, the emotions of the crusaders merely smoldered until the end of the war; then, with the political campaign of 1919, they burst into flame.

James D. Phelan made his campaign for political office in 1919 as the defender of California against the Japanese invasion, rallying the organizations that were hostile to the Japanese and giving fresh impetus to the anti-Japanese movement. In the course of this campaign the clamor about "picture brides" rose to such a pitch that the Wilson Administration extracted a promise from the Japanese government to discontinue its practice of issuing passports to such girls after February 1920. Out of the campaign of this "defender of California" came the peculiar genesis of the new land law of 1920. One observer of this background of the law wrote:

"The political aspect of the case is interesting. The state legislature, controlled by members of the party opposed to the candidate seeking reelection, refused to pass the laws he demanded, lest he secure the credit for them. The Governor also refused to call a special session of the legislature to pass a more effective Alien Land Law than that of 1913. Thwarted in this way, the advocates of the measure succeeded in placing it on the election ballot by means of the initiative. As soon as this was done, all the politicians hastened to support the measure, including the Governor who had so recently opposed it. Naturally the proposal carried by a large but not an overwhelming majority, but the candidate who had proposed the measure was defeated at the polls."<sup>17</sup>

The new law tightened the old in three principal respects: whereas the old law allowed the leasing of land to Japanese for a three-year period, the new forbade leasing land to Japanese altogether; the old allowed Japanese to purchase stock in land corporations so long as the total holdings of the Japanese remained a minority, but the new law deprived them of the right to purchase stock in any organization owning or leasing agricultural land; finally, to get around the practice of some Japanese aliens of buying land in the name of their citizen children and holding it for them, the new law prohibited aliens from being appointed guardians of minor children whose estate consisted of real property.

Alarmists had declared that since the 1913 Alien Land Law had been effective, a host of Japanese-American land corporations had sprung up, in which

51% of the stock was vested in American citizens who were merely the Caucasian attorneys for the Japanese. As a matter of fact, between 1913 and 1920, 302 Japanese American corporations of small individual capital came into being; these worked a total of 47,781 acres of land, or 11.7% of all Japanese holdings in the state. Similarly there had been a hue and cry about aliens cleverly buying land in the name of their citizen children. "In 1920 the total area owned by Japanese individuals was only 26,988 acres, of which the greater portion had been bought before 1913. It was pointed out to the framers of the land law of 1920 that the section limiting ownership to only those eligible minors whose guardians were court appointees would be ineffective anyway as soon as the second-generation Japanese attained maturity."<sup>26</sup>

After a little, it came to the attention of the exclusionists that the Japanese were farming land in return for a share of the crops raised. The idea of share-cropping had not occurred to the legislators, but they quickly realized their oversight and in 1923 amended the law to prohibit share-cropping contracts. Ranchers who wished to retain the services of Japanese, together with the Japanese, devised a bonus system, but, brought to court, the bonus system was placed in the same category as share-cropping. The Japanese was now in a position where, unless he had purchased land prior to 1913, he could farm only as a hired hand. The eyes of the law were sharp, and lest the officials grow careless, the legislature of 1925 passed a concurrent Resolution urging investigation of alleged infractions of the Alien Land Acts.<sup>10-a</sup>

Out of the Act of 1920 and its amendments there arose numerous lawsuits and test cases. Those involving lease-holds, share-cropping contracts, bonus arrangements, and corporation holdings were definitely unprofitable to the Japanese. Guardianship cases offered more variety in their outcomes. On the subject of Land Act litigation, Jean Pajus wrote in 1936, following on careful research: "These cases were, in the main, instigated by State Attorney General U.S. Webb, the author of the restrictive statutes, and it is significant that with the exception of one, the Sumida escheat which was eventually settled out of court, all the suits concerned the transactions of small people. Lawsuits against large ranchers were conspicuous by their absence."<sup>26-a</sup>

The guardianship cases commenced about a year before the law of 1920 was enacted. Rumors concerning the new land law frightened Japanese parents into court, or at least, into their attorney's offices. Some lawyers advised parents who had not been officially installed as guardians to wait till the situation could be more clearly defined; others urged quick action in court. Some county judges, caught up in the general confusion, rescinded guardianships which they had recently granted.

Guardianship cases came before the Superior Court of the county. "It seemed that no two courts handled their cases in precisely the same manner; and, in the end, the nature of a decision depended very much upon whether the presiding judge was pro- or anti-Japanese. If the man was liberal-minded, the harried litigants who appeared before him were treated leniently; if he happened to be rabidly contra-alien, his victims did not have the ghost of a chance. Notorious in this respect were the judges of the Superior Courts of Sutter and Tulare Counties, while the judge of the Superior Court of Santa Clara County represented the more humane type of jurist."<sup>26-b</sup>

Relatively few of these cases reached the state's Supreme Court, but when they did, the results were interesting. The first of the guardianship cases to be appealed was that of Yano, an alien, who on October 23, 1920, be-

fore the new law went into effect, petitioned the Superior Court of Sutter County to be appointed guardian of his four-year-old American-born daughter. The preceding year he had bought fifteen-and-a-third acres of land as an outright gift to her, the deed being in her name. The court denied the petition; Attorney-General Webb instituted proceedings for the escheat of the property; Mr. Yano appealed to the Supreme Court of the state. In May of 1922, the Supreme Court of California reversed the decision of the lower court on the grounds that Section 1 of the 14th Amendment of the Federal Constitution guaranteed that "no state should deny to any person within its jurisdiction the equal protection of the laws", and that California's Code of Civil Procedure, Section 1751, provided that the father or mother of a minor child less than 14 years of age, if competent, is entitled to be appointed guardian of such child in preference to any other person. The immediate result of this decision was the enactment of Section No. 1751A of the Code of Civil Procedure, effective August 16, 1923: "No person ineligible to citizenship in the United States, and no company, association or corporation of which a majority of its members are aliens ineligible to citizenship in the United States, or in which a majority of the issued stock is owned by such aliens, may be appointed guardian of any estate which consists in whole or in part of real estate."

The Sakurai case in Los Angeles challenged but did not actually test the constitutionality of 1751A. Sakurai had been appointed guardian of the person and estate of his five-year-old daughter just before 1751A became effective; just after it became law, Sakurai presented his bond for approval, and the Los Angeles judge set aside his earlier order, stating that the new statute had intervened. Sakurai's attorneys petitioned for writ of mandamus, stressing the fact that 1751A violated both the Japanese-American Treaty and the Fourteenth Amendment of the Federal Constitution. The District Court side-stepped these issues and granted the writ on the grounds that a guardianship once granted by a Superior Court could not be rescinded under the statute cited.<sup>27</sup>

A feature of the 1923 Amendment to the Land Act of 1920 dove-tailed with 1751A in providing that the taking of real property in the name of some citizen, if the consideration is paid, or agreed or understood to be paid by an alien ineligible to citizenship of the United States, is a violation of the law. This ruling, sustained in a number of cases by the county courts, was repudiated in the decision rendered in the Fujita Escheat Case in the Superior Court, Sonoma County, No. 16697, 1928.

Fujita, an alien, purchased a farm in Sonoma County in September of 1923 as a gift for his four citizen children. The same month he applied for general letters of Guardianship for the persons and estate of his children. The petition was heard and denied by the court on October 5 of 1923. Fujita filed with the County Clerk and with the Secretary of State at Sacramento yearly statements and accountings as required by Section 5 of the Alien Land Law, but on December 7, 1927, the District Attorney of Sonoma County filed a complaint to escheat the property to the State, alleging that "The purchase of the property was a subterfuge and fraud on California. The property was acquired and is held in violation of the Alien Land Act, and has escheated to the State, and that the Grand Jury directed the bringing of the action." Fujita's attorney filed answer to the complaint on January 10, 1928, and on September 6 of that year trial was had. In deciding the case in favor of the defendants, the court upheld the contentions of the defendants that "Children born in California of Japanese parentage are citizens of the United States and



of California; and are entitled to the same rights of property real and personal, as other citizens, irrespective of their racial descent; a Japanese father though incompetent himself to acquire real property may furnish money in good faith for the purchase of real property for his minor children, who are citizens of the United States; minor children have the same right to acquire real property as adults, and if a gift of real property is made by deed to minors, delivery and acceptance will be presumed; Japanese aliens are entitled to the possession of real property for residential and commercial purposes under Article 1 of the Treaty of 1911 between the United States and Japan; a Japanese alien parent otherwise competent is entitled to be appointed guardian of the person and estate of his citizen child and the citizen child has the right to have his alien Japanese parent appointed as such guardian." The court said in closing: "I am satisfied that no evidence whatever has been presented showing any fraud in the transaction. The land was actually purchased and paid for, the title being taken in the names of four (4) young citizens of the United States. They actually own the land and are as such entitled to the same protection of the courts of the law as citizens of a different blood."<sup>28</sup>

Occasionally Japanese farmers whose ownership of land was questioned by law claimed citizenship, and it cost the state money to disprove the contention. To avoid this expense, the California legislature, on May 16, 1927, amended the Land Act of 1920 once more, requiring the Japanese to pay the costs of proving their citizenship. The constitutionality of the amendment was upheld in three actions, the last in 1933. The principal effect of the amendment was to increase the practice of registering the finger-prints of American-born Japanese infants.

The 1920 Land Act and its amendments had relegated the Japanese farmer to the role of hired man, but the crusaders were still dissatisfied. In February of 1935 an anti-Japanese bill was submitted to the legislature providing for an absolute prohibition of Japanese people from engaging in agriculture under any circumstances. The judicial committee to whom it was turned over decided that it might conflict with the Federal Constitution, and the bill was abandoned.<sup>26-c</sup> In 1937 a last attempt was made to prevent Japanese aliens from vesting titles to rural property in the names of their American-born children and from functioning as "caretaking" guardians of land so acquired. The bill to accomplish these ends was presented by State Senator Law of Imperial County. The intent was to enable the state to prosecute an individual violator of the law without resort to conspiracy charges (which were required by the terms of the existing law, Section 10). The conspiracy clause had been unfortunate from the anti-Japanese viewpoint, as even fairly hardened judges balked at convicting infants and small children of conspiracy. This measure, too, failed of enactment.<sup>15</sup>

In Federal legislation, the Exclusion Law of 1924 may be viewed as the result of long years of steadfast effort on the part of West Coast pressure groups. These groups in 1919 received important reinforcement in the form of a young and lusty organization, the year-old American Legion. In their first National Convention, held at Minneapolis, November 10-12, 1919, the legionnaires passed a resolution demanding four major concessions to what Royce described as the "blind nativism" and "social irresponsibility" of the Californians.

"1. ... immediate action for the abrogation of the so-called 'gentlemen's agreement' with Japan, now being continually violated

especially by the admission of the so-called 'picture-brides' and the exclusion of Japanese from the United States on the same principles already adopted in the case of other Oriental races.

"2. The American Legion demands confirmation and legalization of the policy that foreign-born Japanese shall be forever barred from American citizenship.

"3. The American Legion demands that Congress propose an amendment to Section 1 of Amendment XIV of the Federal Constitution that no child born in the United States after the date such amendment becomes effective, of foreign parentage, shall be eligible to citizenship of the United States unless both parents were so eligible at that time.

"4. The American Legion requests Congress to send subcommittees of the committees on immigration of both Houses to the Pacific Slope, the Territory of Hawaii and the Philippine Islands in order that they may study conditions and be able to intelligently report legislation along the lines named."<sup>19</sup>

The American Legion went even further than the Asiatic Exclusion League had thought of going. With the international harmony which followed on the Washington Armaments Conference of 1921 menacing the hope of Japanese Exclusion, direct action and careful planning were needed. All forces had to work in unison if exclusion were to be achieved. To concentrate the efforts of all congenial groups, the Asiatic Exclusion League, which had known several changes in organization and name in its history, now underwent a greater renaissance and emerged as the California Joint Immigration Committee, and took into its embrace representatives from all other important pressure groups. Of this committee, Eliot Grinnell Mears, in his Preliminary Report prepared for the July 1927 Conference of the Institute of Pacific Relations in Honolulu, said:

"The most powerful single group in California...is the California Joint Immigration Committee, successor to the defunct exclusion leagues, whose Executive Secretary and driving force, Mr. V.S. McClatchy, was formerly Director of the Associated Press, when he was editor and owner of the Sacramento Bee, largely the initiative and publicity skill of Mr. McClatchy has been responsible for the legislative acts against the Japanese since the World War. The Committee consists of the Deputy-Adjutant of the American Legion, the Secretary-Treasurer of the State Federation of Labor, Master of the State Grange, Grand President of the Native Sons of the Golden West, the State Attorney-General, and V. S. McClatchy." Mr. Mears stated that "no opposing group in the state has comparable influence."

In the same report he identifies the groups, friendly and hostile toward the Japanese, within the state: "The politician, the legionnaire, the native son, the working man, the small farmer, the shop-keeper were usually against the Oriental, or at least, opposed to the Japanese. On the other hand the president of the Chamber of Commerce, the financier and banker, the importer and exporter, the absentee landowner, the large rancher, the mission secretary and the church-worker, the social worker, and many school teachers and university professors were friendly to the Asiatics."<sup>29</sup>

A concise summary of the actual charges and also of the factual answers to those charges made against the Japanese people in the period immediately before the Exclusion Law is contained in Japanese Immigration and Colonization; a Counter Brief to that of Mr. V.S. McClatchy, submitted in behalf of the California committee of Justice, and other Citizens.<sup>20</sup> In no other document of brevity is shown so clearly the extent to which legend interweaves itself with fact in the shaping of California history:

"Mr. McClatchy's brief is composed of personal statements, most of which were published by him in his paper, the Sacramento Bee, and then quoted by him from the Bee as authority for his repetition of them. They cover events in Korea, China, Siberia, and the conduct of Japan in the World War and at the Versailles peace conference. These matters are not relevant to any discussion of what is known as the Japanese question in California, which relates solely to the treatment of Japanese who are legally domiciled in this country and in possession of rights under the treaty and under our own Constitution and laws. Mr. McClatchy's brief is tiresomely repetitious, apparently in the belief that a fiction often enough repeated becomes a fact and a proper foundation for a national policy.

"The real questions involved are: The volume of Japanese population in California; the Japanese birth rate here; the observance by Japan of the 'gentlemen's agreement'; and the Japanese freeholds and leaseholds upon land in this State.

"Mr. McClatchy and his associates in the anti-Japanese agitation here led off with an estimate of California's Japanese population at 150,000, and by some of them put at 200,000. To reconcile these estimates with the official reports of the national immigration service it was charged that great numbers of Japanese had been illegally smuggled into the State. To support this it was published on authority of Mr. McClatchy that Mr. John W. Abercrombie, Assistant Secretary of Labor, had officially reported to the United States Senate that in the year ending June 30, 1919, 9,678 Japanese had been found to be here illegally and were deported by our Federal authorities. Upon investigation it was found that Mr. Abercrombie's report was that in the 11 years ending June 30, 1919, 4,000 aliens of all classes had been found illegally in the United States and deported. The paper that first published, on Mr. McClatchy's authority, the 9,678 story, refused to correct the fiction and would not publish the correct report, nor was the correction given circulation by the press of the State. ...

"Passing now to the Japanese birth rate. The Federal census shows 44,364 Japanese males and 25,832 females in the State. From 1908 to 1920 the total Japanese births in the State were 34,083. In 1920 alone the white births were 59,655, or in one year outnumbering the Japanese births by 25,572 for the whole preceding period of 12 years. These figures are from the records of the State Board of Health, which reports through its vital registrant, Mr. Ross, that the Japanese birth rate is not excessive.

"... As there is no evidence that Japan has not kept absolute faith in the 'gentlemen's agreement', as a party to an honorable arrangement, what better result could be expected from an exclusion act, to which she is not a party, but which throws all the responsibility upon the United States and its enforcement will supply constant friction between these two nations? We are safe in concluding that an exclusion act is favored by that element amongst us that desires to affront Japan and perpetuate hatred and prejudice.

"There remains the matter of Japanese land freeholds and leaseholds. The official report of the California Board of Control shows that in 1920 Japanese, under leasehold and freehold, cultivated 1 6/10 per cent of the farm land in California. That report fails to deal truthfully with the productive character of this land in its primitive state. Many leaseholds were idle and uncultivated because of the barren quality of the soils. Japanese farmers expend the labor and devote the intelligent methods by which such soils are added to the productive capacity of the State....The useful fiction has been created that where Japanese farmers occupy land, white farmers give up their holdings and retreat, so we have many pitiful pictures drawn of the ruin of white farmers by the 'usurpation' of the Japanese. But in all official investigations of the question no such distressed white farmer has ever been found to give evidence supporting the charge. On the other hand, the counties that have largely increased in their white rural population are those in which Japanese farmers have acquired leaseholds and freeholds."

Despite the efforts of liberals to forestall it, exclusion became a fact in 1924. It was accomplished by means of a rider attached to the Immigration Bill establishing the quota basis of admission of aliens to the United States. President Coolidge protested against it but signed the Bill in view of the pressing need to establish the quota system.

"The Exclusion Law of 1924 differed from the Gentlemen's Agreement in three respects: (1) it was a discriminatory measure directed against Japan; (2) it transferred the administration of exclusion from Japan to the United States; (3) it imposed more stringent restrictions than did the Agreement. The latter admitted all non-laborers and the relatives of laborers and those laborers returning from a visit abroad. But the exclusion law prohibits the entrance of all aliens ineligible to citizenship, whether laborers or non-laborers, except the following classes: (1) government officials; (2) merchants and tourists, in this country 'temporarily'; (3) immigrants returning from a temporary visit abroad; (4) bona fide ministers and professors, their wives, and children under eighteen; (5) bona fide students at least fifteen years of age. The chief difference between the Act and the Agreement in this respect is that under the new law laborers will not be able to bring in their wives and children as heretofore."<sup>30</sup>

By 1930 many of the supporters of exclusion were advocating the substitution of the quota system for exclusion in regard to the Japanese--and other Orientals. Once the tension and hysteria surrounding the issue of exclusion had died down, it was discovered that the quota basis of admission applied to Oriental races would result in the admission of fewer than were being admitted under the exclusion acts, which applied primarily to the laboring classes.

"If the Japanese had been placed on a quota basis in 1924, instead of being excluded as ineligible to citizenship, it would have meant restricting immigration to 2 per cent of the number of foreign-born individuals of Japanese nationality residing in this country in 1890. The Japanese quota would, therefore, have been about one hundred a year."<sup>23-h</sup> It was suddenly apparent that we had spent years of time and large sums of money in fostering hatred, resentment and bitterness over an end that could have been achieved without hurt to the dignity of another nation or undemocratic discrimination on a racial basis, simply by applying the quota basis to Japanese immigration. Educators, church groups, the press in general, business organizations, and the State Department were favoring the idea of a revision of the 1924 law when, in 1931, Japanese troops attacked Manchuria.

"Almost from the moment of their arrival, the Japanese were involved in the cross currents of previous anti-Oriental agitation. And no sooner had they arrived than tension between the United States and Japan began to develop. Faced with a hostile public opinion, restricted by official and unofficial discrimination, they have been the victims of a deepening international crisis from the time of their arrival."23-1 Unfortunately for the interests of the Japanese residents on the Pacific Coast and for their American citizen children, the behavior of the Japanese nation after 1931 was increasingly reprehensible. The Exclusion Act of 1924 remained unrevised, and as Japan dropped out of the League of Nations, refused to continue the 5-5-3 naval limitation, invaded China, launched her "Asia for the Asiatics" slogan, and formally allied herself with Rome and Berlin, the chances of the young Japanese Americans of the West Coast for being regarded dispassionately as legitimate beneficiaries of the Constitution and the Bill of Rights diminished. With the attack on Pearl Harbor on December 7, 1941 and subsequent fear of attack on the West Coast, the prospects for this minority among our citizens steadily darkened.

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CHRONOLOGY OF SIGNIFICANT EVENTS AND  
INCIDENTS AFFECTING CALIFORNIA'S RE-  
LATIONS WITH HER FOREIGN POPULATION,  
1846-1941

- 1846 . . . . The Bear Flag uprising and brief life of the Bear Flag Republic, anticipate American occupation.
- 1848 . . . . Gold discovered by John Marshall at Sutter's Mills  
Treaty of Guadalupe Hidalgo ratified by Mexico and the United States.
- 1849 . . . . The Gold Rush begins.  
Dr. William M. Gwin, Southern Democrat, arrives in California to control California politics until the Civil War.  
The Hounds, or "Regulators", under pretext of opposition to foreigners, plunder and terrorize San Francisco.  
California, without benefit of Congressional action, sets up a state government.
- 1850 . . . . Foreign miners' tax imposed by first state legislature.  
Governor McDougal calls the Chinese "one of the most worthy classes of our newly adopted citizens" and expresses hope that more will come to California.  
Mormon Gulch passes resolution ordering all Mexicans to leave the local gold diggings within 15 days.  
San Francisco Board of Aldermen passes resolution prohibiting aliens from engaging in transportation of passengers or freight and selling spirituous liquors.  
Congress, on September 9, a year after state government has been in operation, admits California to the Union.
- 1851 . . . . The Land Act to investigate titles to Spanish and Mexican land grants in California is effected in Congress by Senators Gwin and Fremont, representing squatter interests.  
Original foreign minor tax is repealed and replaced by one which imposes a monthly tax of \$4 on Chinese miners.
- 1852 . . . . Summer finds 20,000 Chinese in California, and the tide of immigration steadily rising.
- 1854 . . . . Commodore Perry, having spent some months in the attempt, negotiates a treaty, opening Japan to American trade.

- 1859 . . . . Anti-Chinese riots in Shasta County result in the Governon's calling out the state militia.
- 1867 . . . . Pacific Mail Steamship Company establishes the first direct steamship services to the Orient.
- 1868 . . . . Burlingame Treaty negotiated with China.
- 1869 . . . . Two small groups of Japanese appear in California, one to undertake a farming venture in Alameda, the other to attempt silk and tea-raising at Gold Hill.
- Completion of the first transcontinental railway.
- 1870 . . . . Debate in Congress on naturalization bill officially relates Chinese question to Negro problem and definitely puts naturalization on a racial basis.
- 1871 . . . . At Los Angeles Chinese residents of Negro Alley are massacred in race riot.
- 1873 . . . . The Panic of 1873 and the new railway bring the worst unemployment situation California has to this period experienced.
- Supreme Court decision in the Louisiana Slaughter House Cases narrows interpretation of the Fourteenth Amendment.
- 1875 . . . . The Supreme Court of the United States holds the Civil Rights Statute unconstitutional.
- The Native Sons of the Golden West organize.
- 1876 . . . . Rise of Dennis Kearney, sand lot orator and agitator, who sounds the war cry of "California for the Americans! The Chinese must go!"
- 1877 . . . . Revival of the Committee of Safety to cope with anti-Chinese riots in San Francisco.
- U. S. Supreme Court declares the protection of citizens against fellow citizens to be a function of the state governments.
- The San Francisco Trade and Labor Union enters politics under Kearney's leadership as the Workingman's Party of California.
- 1879 . . . . A new state constitution is drawn up and adopted in California; strongly anti-Chinese.
- 1880 . . . . The federal government moves toward Chinese exclusion by negotiating a treaty which permits the United States to regulate, limit, or suspend but not absolutely prohibit the admission of Chinese laborers to the United States.

- 1882 . . . . Congress suspends immigration of Chinese laborers for ten years.
- 1884 . . . . The Japanese government authorizes general emigration; this change of policy was in response to persistent demands of the Hawaiian Sugar Planters Association.
- 1887 . . . . First cry of "The Japs must go" heard in California from San Francisco doctor, O'Donnell, in unsuccessful attempt to make a political issue of Japanese exclusion in municipal elections.
- 1888 . . . . Scott Act becomes federal law, further restricting Chinese immigration.
- 1890 . . . . San Francisco Shoe Makers Union members attack Japanese workers in shoe factory and force them out.
- San Francisco Cooks and Waiters Union members attack a Japanese restaurant.
- In San Francisco agitation begins for the exclusion of Japanese children from the public schools.
- 1892 . . . . Geary Act suspends immigration of Chinese laborers for another ten years.
- 1894 . . . . President Cleveland proclaims a new immigration treaty with China, regulating admission of Chinese laborers to the United States.
- 1898 . . . . U. S. Supreme Court decision in Wong Kim Ark case establishes the citizenship of all children born in America, regardless of parentage.
- Hawaiian Islands annexed by the United States.
- 1900 . . . . Mass meeting in San Francisco to consider re-enactment of Chinese exclusion law produces resolution urging exclusion of all Japanese except members of the diplomatic staff.
- 1901 . . . . California legislature in joint resolution asks Congress to restrict immigration of Japanese laborers.
- 1902 . . . . President Roosevelt approves new bill prohibiting admission of Chinese and extending exclusion laws to island possessions of the United States.
- 1904 . . . . American Federation of Labor in convention at San Francisco passes resolution to extend the Chinese exclusion act to Japanese and Koreans.
- 1905 . . . . Japan emerges victorious from the Russo-Japanese War.



1905 (cont.) Japanese and Korean Exclusion League organized in San Francisco by labor interests.

First press campaign devoted to removal of the Japanese launched by the San Francisco Chronicle.

State legislature passes resolution demanding immediate congressional action to prevent further admission of Japanese laborers.

San Francisco Board of Education resolves to establish separate schools for Chinese and Japanese children, but takes no action at this time. •

Conference of local Japanese organizations called in San Francisco to consider mutual aid and protection against hostile groups results in the federation of the Japanese Association of America.

1906 . . . . Great earthquake and fire destroy greater part of San Francisco and disrupt law and order.

San Francisco's Japanese population the victims of much lawlessness; many leave to settle in the Los Angeles area.

San Francisco School Board directs the segregation of Oriental school children as of October 15.

Japanese government protests the segregation of Japanese school children.

President Theodore Roosevelt sends Secretary of the Navy Metcalf to San Francisco to investigate the Japanese situation.

1907 . . . . The President, as a result of Metcalf's report, invites the Mayor of San Francisco and the school board to Washington to discuss the school question, with result that Japanese children are allowed to return to the regular schools.

Immigration Act prohibits migration of Japanese from Hawaii and authorized the President to enter into international agreements necessary to prevent immigration of aliens.

1907-08 . . . . The Gentlemen's Agreement is reached between the United States and Japan, and Japan ceases to issue passports to laborers.

1908 . . . . The Exclusion League in first annual convention sends memorial to Congress protesting the Gentlemen's Agreement on the score that it places responsibility with a foreign government.

1909 . . . . State legislature considers a bill to prohibit Japanese aliens from owning land, but President Taft intervenes and the bill is dropped.

1909 (cont.) State legislature instructs the State Commissioner of Labor to conduct an investigation of Japanese labor in California.

1910 . . . . State legislature formally disapproves and buries the report of the State Commissioner of Labor on Japanese labor because his findings do not support the opinions of the law-makers.

General elections in California find all three parties with anti-Japanese planks in their platforms.

1911 . . . . A Treaty of Commerce and Navigation with Japan replaces the Treaty of 1894.

1913 . . . . California Alien Land Law prohibits Japanese aliens from buying agricultural land, or leasing it for longer than three years.

1914 . . . . First European War begins, creating demand for large-scale increase in food production and making it practical for California to utilize the Japanese farmers.

West Coast Japanese petition Japanese Government to modify the Nationality Code to release them from claims of dual citizenship.

1915 . . . . Panama Pacific Exposition held at San Francisco.

1916 . . . . Japanese Government modifies Nationality Code to allow American-born citizens to renounce Japanese citizenship.

1919 . . . . The American Legion in its first National Convention at Minneapolis passes resolution demanding abrogation of Gentlemen's Agreement, permanent barring of foreign-born Japanese from American citizenship, and amendment of Federal Constitution to deny citizenship to American-born children of ineligible aliens.

1920 . . . . Wilson Administration persuades Japanese Government to discontinue practice of issuing passports to "picture brides."

Initiative Land Law in California prohibits leasing of land on any terms to Japanese aliens, denies them right to purchase stock in any organization owning or leasing agricultural land, and prohibits aliens from being appointed guardians of minor citizens if estate consists of land.

1921 . . . . State legislature empowers local boards within state to establish separate schools for children of Indian and Oriental parentage.

1922 . . . . Supreme Court hands down decision in Ozawa case, declaring that a Japanese is not a white person and is therefore ineligible to citizenship.

1923 . . . . Initiative Land Law amended to prohibit sharecropping to Japanese aliens.

- 1924 . . . . Congress revises Immigration Law to establish the quota system of admission of immigrants, and in a rider excludes Japanese from the United States and its possessions.
- 1925 . . . . Japanese Government further modifies Nationality Code to release automatically all American Japanese born after December 1925 from claims of dual citizenship.
- 1927 . . . . California Land Law further amended to require that Japanese involved in law suits pay the cost of proving their citizenship.
- 1931 . . . . Japan attacks Manchuria. •
- 1934 . . . . Japan drops out of the League of Nations.
- 1936 . . . . Japan refuses to continue the 5-5-3 naval limitation.
- 1937 . . . . Japan makes new attack on China and seizes Shanghai.
- 1938 . . . . Japan proclaims the "New Order in Asia", and on November 25 signs cultural pact with Rome and Berlin.
- 1940 . . . . Japan signs military alliance with Rome and Berlin, September 27.
- 1941 . . . . Japan attacks the United States.

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