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The Road to Exclusion: The 1920 California Alien Land Law and U.S.-Japan Relations

Tosh Minohara

OH, EAST is *East*, and *West is West*, and never the twain shall
meet
Till Earth and Sky stand presently at God's great Judgment Seat;

During the past few years in Japan, a rise in the interest in ethnic studies has led to a flurry of research by ethnologists and sociologists examining the Japanese exclusion/anti-Japanese movement¹ in the United States.² Research on the same subject by diplomatic historians, however, has hitherto been limited in both number and scope.³ The chief reason for this discrepancy is that scholars of diplomatic history in Japan have traditionally

1. The author makes no distinction between the terms "anti-Japanese movement" and "Japanese exclusion movement" in this article. Technically speaking, the term "anti-Japanese movement" refers to the movement targeted at Japanese immigrants already residing in the United States, whereas the term "Japanese exclusion movement" refers to the movement aimed at prohibiting future Japanese immigration into the country. However, since the ultimate goal of the "anti-Japanese movement" was to make life difficult for Japanese immigrants already in the United States *so that they could discourage further immigration*, the underlying motives become the same and the distinction between the two terms are blurred.

2. For a brief discussion and bibliography, see the following:

Teruko Kumei, "Nihon ni okeru Nihonjinimin/Nikeiamerikajin kenkyu: 1920 nendai izen," [Japanese immigrant/Japanese-American research in Japan: Pre-1920s] *Amerikakenkyu Shiryo Nenpo* 13 (1990): 18-24, 31-48; and Izumi Hirobe, "Nihon ni okeru Amerika no esunishiti kenkyu: Ajiakei imin ni kansuru kenkyu o chushin ni," [American ethnicity research in Japan: With focus on historical research relating to Asian immigrants] *ibid.*, 17 (1995): 79-94.

3. There are no book length works by Japanese diplomatic historians that examine in detail, the entire history of the immigration question. For a similar comment, see footnote 2 in Tadashi Aruga, "Nichibei gaikoshi ni okeru iminmondai," [The immigration question in the history of U.S.-Japan diplomatic relations] *NIRA Research Report* 940052 (1995): 33-49. See also, Masaru Ikei, et al., "From the end of the Russo-Japanese War to the Manchurian Incident," in Sadao Asada ed., *Japan and the World 1853-1952: A Bibliographic Guide to Japanese Scholarship in Foreign Relations* (New York, 1989): 147-154; and Akira Iriye, "1921-1931," in Ernest R. May and James C. Thomson Jr. eds., *American-East Asian Relations: A Survey* (Cambridge, MA, 1972): 233-241. The lack of scholarly material on this facet of U.S.-Japan relations is surprising, considering that nearly all the volumes prior to 1924 of the *Nihon Gaiko Bunsho* [Documents on Japanese Foreign Policy] contain a section on the immigration question. There are also two special volumes of the *Nihon Gaiko Bunsho* that pertain exclusively to the immigration question: Japanese Foreign Ministry ed., *Nihon Gaiko Bunsho Taibei Iminmondai Keikagaiyou* [Summary of the course of negotiations between Japan and the U.S. concerning the problem of Japanese immigration in the United States] (Tokyo, 1972); and idem, *Nihon Gaiko Bunsho Taibei Iminmondai Keikagaiyou Fuzokusho* [Supplement to the summary of the course of negotiations between Japan and the U.S. concerning the problem of Japanese immigration in the United States] (Tokyo, 1973). [Hereafter cited as *NGB/Keikagaiyou* and *NGB/Fuzokusho*, respectively.]

relegated the immigration question between the United States and Japan to a secondary status in the pre-World War II diplomatic history of the two nations. Consequently, most diplomatic historians with an interest in the prewar relations of the two countries place the focus of their research primarily on the China question; namely the U.S.-Japan row over Manchuria.

This trend is quite understandable considering that the China question was indeed a major source of friction between the two countries. A significant number of diplomatic crises that arose during this period can be attributed, either directly or indirectly, to some facet of the China question. However, does this necessarily lead to the conclusion that the immigration question is a peripheral issue in the prewar diplomatic relations of the United States and Japan? The author believes not. A more accurate interpretation would be that both issues were equally vital in the context of prewar U.S.-Japan relations. In fact, it was the immigration question — also a constant source of friction between the two countries — that often served to complicate the China question.⁴ The source of this interrelationship between the two questions can be found in the way that the very first immigration dispute was settled.

The 1906 San Francisco School Board Incident⁵ was the first event in the immigration question that actually precipitated a U.S.-Japan diplomatic crisis.⁶ In the midst of this crisis, President Theodore Roosevelt (1901-1909) quickly realized that the immigration question could never be satisfactorily resolved. He was all too aware that at the heart of the problem lay deep rooted racial prejudice of whites towards the "yellow race." Although Roosevelt himself was not completely immune to the prevalent racist ideologies of the time, being a realist, he also knew that the strategic position of the United States in Asia required amicable relations with Japan.⁷ Thus Roosevelt was not about to let the actions of a single city jeopardize the national interest of an entire nation.⁸

In an attempt to take control of the gravest crisis of his presidency, Roosevelt resorted to a diplomatic compromise; the infamous Gentlemen's

4. Samuel Flagg Bemis, *A Diplomatic History of the United States: Third edition* (New York, 1950): 671.

5. In this incident, Japanese children in San Francisco were barred from attending local public schools. For further discussion, see Thomas A. Bailey, *Theodore Roosevelt and the Japanese-American Crises* (Stanford, 1934) [reprinted, 1964]; and Tosh Minohara, "1906 nen Sanfuranshisuko Gakudoukakurijiken to Nichibeikankei: Hainichi undou no genten," [The San Francisco School Board Incident of 1906 and U.S.-Japan relations: The First U.S.-Japan Crisis] *Rokkodai Ronshu* 43 (No.1, 1996): 119-139.

6. Ikuhiko Hata refers to this incident as the *dai-ichiji Nichibei kiki* [The first Japan-U.S. crisis]. For details, see Ikuhiko Hata, *Taiheiyo kokusai kankeishi* [The history of the international relations in the Pacific] (Tokyo, 1972): 63-84.

7. For a discussion of Roosevelt's racial views, see Howard K. Beale, *Theodore Roosevelt and the Rise of America to World Power* (Baltimore, 1956): 41-47.

8. Charles E. Neu, *The Troubled Encounter: The United States and Japan* (New York, 1975) [reprinted, 1981]: 50; and idem, *An Uncertain Friendship: Theodore Roosevelt and Japan, 1906-1909* (Cambridge, MA, 1967): 35.

Agreement of 1907-1908.⁹ In a series of notes, the Japanese government acquiesced in limiting the number of passports that it issued to laborers seeking to emigrate to the continental United States.¹⁰ In return, however, Roosevelt tacitly acknowledged the position that Japan had acquired in China.¹¹ It was at this very moment that the immigration question and the China question had become unmistakably linked.

Unfortunately, this fact was disregarded by the successive administrations of President William H. Taft (1909-1913) and President Woodrow Wilson (1913-1921). Japan would be constantly irritated of the fact that despite its strict enforcement of the Gentlemen's Agreement, the United States would demand an Open Door in China and persist on interfering with Japanese affairs in the region. Moreover, the seeming unwillingness on part of the Federal government to stem the anti-Japanese agitation in California served to further strain relations. Clearly, the national susceptibilities of Japan were being ignored; a matter of great importance to a nation that was particularly keen on maintaining "face" in its diplomacy.¹²

From Japan's standpoint, it was simply unreasonable that the United States would raise the China question as a crucial issue between the two countries, while at the same time refusing to take a firm stand against the immigration imbroglio. From the standpoint of the United States, however, it appeared as though Japan was using the immigration question as a way to justify its position in China.¹³

Thus, in view of the two governments, it can be seen that the *immigration question* and the *China question* were both invariably linked to one another. Hence, a more accurate view of prewar U.S.-Japan relations would be that *both* questions comprised an important element in the diplomatic relations of the two nations. Consequently, a mere examination of the China question alone will not suffice in revealing the true nature of the diplomatic history

9. A. Whitney Griswold, *The Far Eastern Policy of the United States* (New York, 1938): 350-356.

10. For the full text of the agreement, see *NGB/Fuzokusho*: 35-112.

11. This fact was implicitly recognized in the 1908 Root-Takahira Agreement. Roosevelt also reiterated this view in a letter to President Taft, in which he wrote, "our vital interest is to keep the Japanese out of our country, and at the same time preserve the goodwill of Japan. The vital interest of the Japanese, on the other hand, is in Manchuria and Korea. It is therefore peculiarly our interest not to take any steps as regards [to] Manchuria which will give the Japanese cause to feel, with or without reason, that we are hostile to them, or a menace — in however slight degree — to their interests." Letter, Roosevelt to Taft, December 22, 1910, in Taft MSS, Library of Congress (Washington D.C.).

12. For further discussion of *menmoku* [face] in Japanese diplomacy regarding the immigration question, see Sadao Asada, "Nichibeikankei to iminmondai," [Japan-U.S. relations and the immigration question] in Makoto Saito, et al. ed., *Demokurashii to Nichibeikankei* [Democracy and Japan-U.S. relations] (Tokyo, 1973): 163-164.

13. State Department officials, particularly those within the Division of Far Eastern Affairs, were acutely aware of this fact. Thus many of them believed that resolving the immigration question was in the national interests of the United States. See memorandum titled, "The So-Called California Japanese Question," Chief of the Division of Far Eastern Affairs MacMurray, to the Secretary of State Hughes, April 27, 1921 (State Department File, Records Group 59, National Archives, College Park, MD): 811.5294/354. [Hereafter cited as RG59/NACP with file number.]

between the United States and Japan during this period.

Keeping this in mind, the primary purpose of this article is to examine U.S.-Japan relations from the perspective of the immigration question. The case study for this examination will be the final stage of the Japanese exclusion movement in California, the enactment of the 1920 California Alien Land Law.¹⁴ Although the passage of the 1920 California Alien Land Law comprises only a single chapter in the long and unfortunate story of the immigration question, its thorough examination is necessary considering that it has heretofore only been given a cursory glance by historians.¹⁵ In a much larger context, however, this examination will lead to a better understanding of a less studied facet of prewar diplomatic relations between the United States and Japan.

1. 1913 California Alien Land Law and the Anti-Japanese Movement

Before we begin our examination of the 1920 California Alien Land Law, it is necessary to briefly examine its direct predecessor, the 1913 California Alien Land Law.¹⁶ This is because the direct motive behind the enactment of the 1920 California Alien Land Law was to provide a remedy for the legal shortcomings of the 1913 Land Law, initially known as the Heney-Webb Alien Land Bill¹⁷.

On the surface, the legal intent of the Heney-Webb Bill was to limit the right in which the Japanese could own property for agricultural purposes. In order not to violate the U.S.-Japan Commerce and Navigation Treaty of 1911, the phrase "aliens ineligible to citizenship" was used to indirectly refer to the Japanese.¹⁸ Although the United States Supreme Court had yet to rule that Japanese were not eligible to citizenship, various court decisions in California had lent credence to the fact that Japanese could not be naturalized.¹⁹ Therefore, the land law was carefully worded so that the

14. Cal. Stats, 1921. Initiative Act of 1920, LXXXIII.

15. The only work that deals exclusively with the 1920 California Alien Land Law is Yuji Ichioka's, "Japanese Immigrant Response to the 1920 California Alien Land Law," *Agricultural History* 58 (No.2, 1984): 157-178. There are also several works that discuss the 1920 Land Law in the general context of the entire anti-Japanese movement in California, of which the best account is Roger Daniels', *The Politics of Prejudice: The Anti-Japanese Movement in California and the Struggle for Exclusion* (Berkeley, 1962).

16. Cal. Stats, 1913, Ch. 113, May 9, 1913. For a general overview of research by American historians in this area, see Roger Daniels, "American Historians and East Asian Immigrants," *Pacific Historical Review* 43 (No.4, 1974): 449-472.

17. The bill was named after its co-authors, State Senator Francis J. Heney and California Attorney General Ulysses S. Webb.

18. For a more comprehensive account of the legal aspects of the law, see Frank F. Chuman, *The Bamboo People: The Law and Japanese Americans* (Del Mar, CA, 1976): 48-49; and Edwin E. Ferguson, "The California Alien Land Law and the Fourteenth Amendment" *California Law Review* 35 (1947): 66-68.

19. The Supreme Court finally affirmed in *Ozawa v. U.S.* (260 U.S. 178, November 13, 1922) that the Japanese did not possess the right to be naturalized. For further discussion, see Chuman, *op.cit.*: 65-71; and Browning M. Carrot, "Prejudice Goes to Court: The Japanese in California and the Supreme Court in the 1920s," *California History* 52 (No.2, 1983): 122-138.

ownership of agricultural land holdings would only be prohibited for those who were of the "aliens ineligible to citizenship" class. However, the land law still permitted the leasing of agricultural land holdings to aliens who were not eligible to citizenship, as long as it did not exceed a period of three years.

The legal intent of the law, however, should not obscure the underlying reason for its enactment. The motivating force behind the passage of the land law was that it would limit further Japanese immigration into the state.²⁰ Lacking the legal power to regulate immigration, the only remaining option for the California legislature was to devise a method that would serve to discourage Japanese immigration. The most apparent solution was to prohibit the ownership of agricultural property, as a significant portion of the Japanese in the state earned a living through farming.

Owing much to the fact that there was tremendous political gain in supporting any anti-Japanese legislation at the time — the state Democratic Party had successfully used the anti-Japanese plank in the 1912 state elections — the Heney-Webb Bill was passed by the state legislature without much opposition to become the 1913 California Alien Land Law.²¹ This was a moral victory for anti-Japanese groups such as the Asiatic Exclusion League that had long supported such a measure. However, as they were soon to realize, their victory was a partial one at best. No sooner had the law taken effect, the Japanese were soon openly evading the law by taking advantage of the various legal loopholes afforded to them.

The Japanese circumvented the land law in three ways. The first and most convenient way was to simply change the existing title and/or purchase new property in the name of a minor born in the United States. Under Section One of the Fourteenth Amendment of the United States Constitution, all persons born in the United States were by law, citizens of the United States.²² As states could not enact or enforce laws that abridge the privileges of citizens, this method of evasion offered a foolproof way in which the Japanese could continue to own agricultural property. In essence, the "ineligible to citizenship" provisions of the 1913 Land Law

20. Edward K. Strong, *The Second-Generation Japanese Problem* (Stanford, 1934): 46.

21. For a more complete discussion, see the following:

Franklin Hichborn, *Story of the Session of the California Legislature of 1913* (San Francisco, 1913); Paolo E. Coletta, "The Most Thankless Task: Bryan and the California Alien Land Legislation," *Pacific Historical Review* 36 (No.2, 1967): 163-187; Thomas A. Bailey, "California, Japan, and the Alien Land Legislation of 1913," *Pacific Historical Review* 1 (No.1, 1932): 36-59; and Spencer C. Olin Jr., "European Immigrant and Oriental Alien: Acceptance and Rejection by California Legislature of 1913," *Pacific Historical Review* 35 (No.3, 1966): 303-315. For works in Japanese see, Teruko Kachi, "Nichibei tsushokokaijouyaku to Karifoluniashu tochihou," [Japan-U.S. Commerce and Navigation Treaty and the California Land Law] *Kokusaiseiji* (No.1, 1961): 21-45.

22. The Supreme Court, in *United States v. Wong Kim Ark* (1898), had also ruled that under the Fourteenth Amendment, children born in the United States to resident alien parents were citizens, even if their parents could not become citizens.

were rendered meaningless when title to the land was held in such manner.

The Japanese who did not have a minor born in the United States resorted to a second method of evasion; the formation of land holding corporations. These land holding corporations allowed the Japanese to *indirectly* own agricultural property by possessing majority share of the stock in the company. Since the land law did not have any stipulations forbidding the formation of alien corporations, this method also provided a foolproof means of avoiding the law.

The third and final method of evasion was utilized primarily by those Japanese farmers that did not own the land that they tilled. To escape the three year limit on leases that placed the Japanese tenant farmer in a financially precarious position, an alternating three year lease was signed. This was accomplished by having the current tenant farmer initially sign a three year lease for a particular plot of land. Then a friend or relative would immediately enter into a second three year lease on the same plot, that would commence upon the expiration of the first lease. When the first lease expired, the original lessor would simply continue to lease the same property under the name of the second lessor. Repeating this process created a virtual unlimited lease, effectively defeating the intent of the law. However, it should also be noted that there were inherent risks in this method. For example, there was no legal recourse in the event that the second lessor refused to follow through on his or her part of the agreement upon the expiration of the initial three year lease. Hence, it is important to realize that however subtle the affect of the 1913 Land Law may have been on the Japanese in California, it is incorrect to assume that the law did not have any impact on their livelihood.

Although the imperfections existing in the land law afforded a tremendous economic relief to the Japanese farmer, the fact that they aggressively took advantage of these loopholes in part also contributed to the emergence of the second land law. Japanese land ownership had more than doubled in the period from 1914 to 1920.²³ Moreover, the Japanese population in the state climbed upward, increasing by 37,853 in a ten year span between 1910 to 1920.²⁴ Defeated in their primary goal of restricting the inflow of Japanese immigration, the exclusionists quickly demanded the passage of a more stringent land law that would remedy the glaring legal defects of the first land law.

However, as will be discussed later in this essay, the emergence of the new land law in 1920 cannot be entirely attributed to the deficiencies of the 1913

23. Calculated from tables in Yuji Ichioka, *op.cit.*: 162; and Japanese Chamber of Commerce of Southern California ed., *Japanese in Southern California: "A History of 70 Years"* (Los Angeles, 1960): 492. For a brief analysis, see Roger Daniels, "Japanese Immigrants on a Western Frontier: The Issei in California, 1890-1940," in Hilary Conroy and T. Scott Miyakawa eds., *East Across the Pacific* (Santa Barbara, CA, 1972): 86.

24. See tables in Raymond L. Buell, *Japanese Immigration* (Boston, 1924): 291; and Yamato Ichihashi, *Japanese in the United States* (Stanford, 1932) [reprinted, 1969]: 32, 64.

Land Law. Viewing the passage of the 1920 California Alien Land Law in this context completely disregards the other more pertinent factors behind the passage of the second land law. Moreover, this perspective also fails in grasping the fundamental causes of the immigration question itself.

In the meantime, however, the passage of the 1913 California Alien Land Law had the immediate effect of quelling the anti-Japanese agitation in the state. Japanese exclusionists were led to believe that their objectives had been met. Furthermore, other factors also worked to temporarily divert the attention of the anti-Japanese agitators away from the Japanese presence in the state. One of these factors was the international environment. In particular, drastic events in Europe played a large role in moderating the anti-Japanese agitation. Consequently, the period during World War I was a time when the anti-Japanese movement in California was relatively subdued.

2. International Environment, Part I : Intrawar Period (1914-1919)

Various events in Europe in June through August of 1914 eventually led to the outbreak of the first World War. The war quickly engulfed most of the European continent, and across the Atlantic, Americans were also deeply concerned with the rapid turn of events. Californians were no exception and the situation in Europe quickly replaced the Japanese immigration question as the greatest concern of the state.

The outbreak of World War I also affected the anti-Japanese agitation in California in a more direct way. The long awaited Panama-Pacific International Exposition commemorating the completion of the Panama Canal was scheduled to be held in San Francisco on February 10, 1915. California had worked hard to gain the privilege of hosting this event. Therefore, with tremendous pride of the state at stake, it was imperative that the exposition be a success.

However, the war in Europe did not leave the Exposition unscathed. Many nations from Europe that had initially pledged to participate in the event were forced to cancel their original plans. With the exhibits once promised by the European nations now gone, it was clear to all those involved that the success of the exposition now rested largely with Japan. Any resurgence of anti-Japanese agitation had the potential to dash any hopes of a successful exposition. In fact at one point, in protest to the 1913 Land Law, the Japanese government had seriously considered not participating in the event.²⁵ In the end, however, it was decided that it would be better to participate as it offered a splendid opportunity to improve the image of Japan among Californians.

Despite the worries of the organizers, the Exposition turned out to be an

25. Yasuo Wakatsuki, *Hainichi no rekishi: Amerika ni okeru Nihonjinimin* [The history of Japanese exclusion: The Japanese immigrants in America] (Tokyo, 1972): 112.

enormous success. Exhibits by Japan had more than made up for the absence of the Europeans. Like the Japanese government had anticipated, this had a marked effect on improving the general image of U.S.-Japanese relations in American public opinion.²⁶ Moreover, this positive image of Japan led directly to an improved image of the Japanese in California.²⁷ This direct correlation between the relative image of Japan and the image of the Japanese immigrants in the United States comprised an important element in intensifying the immigration question.²⁸

In other words, if there was a decline in the relative image of U.S.-Japan relations, as was later to occur, the image of the Japanese in California would also suffer.²⁹ This would in turn lead to heightened tensions over the immigration question between the two countries. However, the ultimate victim of all this would always be the Japanese immigrant. Hence, to no fault of their own, Japanese immigrants were placed in a position in which they were extremely vulnerable to the actions of their own government. Although the Japanese government never quite realized this relationship, the government was fully responsible for its actions in the field of foreign policy to the extent that it had the potential to adversely affect the well-being of its citizens living abroad.

Sure enough, the pro-Japanese sentiment created by the exposition was short lived. The instant the Japanese government began to actively pursue an imperialistic foreign policy towards China, the positive image of Japan rapidly deteriorated. And once again, the Japanese in California were forced to endure the brunt of this renewed antipathy.

Many Americans during this time affixed a special emotional significance toward China. This sense of attachment partially emanated from the image that China was a country that offered seemingly unlimited economic potential. American missionaries working in China also contributed in solidifying this image. However, more than anything else, it was the Chinese Revolution of October 1911 that greatly strengthened this affinity towards China. In the minds many Americans, the revolution in China had created a republic much similar to their own. Thus American public opinion was quick in embracing this "new" China. The *New York Tribune*, oblivious to the fact that at the root of the revolution was anti-foreign nationalism, exclaimed that the Chinese were "the most democratic people in the world."³⁰ On a similar

26. NGB/Keikagaiyou, *op.cit.*: 599.

27. Roy Hidemichi Akagi, *Japan's Foreign Relations: 1542-1936* (Tokyo, 1936): 438.

28. For a study of images in U.S.-Japan relations, see Akira Iriye, "Nihon tekitaishiki no gensen," [The roots of antagonism between Japan and the U.S.] *Kokusaiseiji* (No.2, 1966): 1-19. For a study of images in relation to the 1913 Land Law, see J. B. Kessler and Kan Ori, "Nichibeikankei no imeiji to Beikoku renpouseido: Kashu hainichi tochironsou o tujite no ichikosatsu," [The Federal system of the United States and images of Japan-U.S. relations: An examination of the California anti-Japanese land law debates] *ibid.*: 20-35.

29. See Payson J. Treat, *Japan and the United States 1853-1921: Revised and Continued to 1928* (Stanford, 1928): 284.

30. Quoted in Neu (1975), *op.cit.*: 138.

note, by 1912 the *Literary Digest* was already predicting that China would surpass Japan as "the most Occidental nation in the Orient."³¹

In essence, the China that had emerged after the revolution was viewed as a sort of "sister republic" to the United States; a protégé that needed the guidance and protection of the older sister, *viz.* the United States. The irony of the whole matter was that the Chinese had been completely excluded from the United States since 1882 by the passage of the Chinese Exclusion Act.³² For many Americans, however, this hypocrisy was conveniently ignored.

Therefore, when the contents of the Twenty-One Demands³³ upon China were revealed in January 1915, the result was a massive resurgence of anti-Japanese sentiment throughout the United States; and like always, California once again appeared at the forefront of the anti-Japanese agitation.

The first wave of this reinvigorated anti-Japanese movement resulted in the Shartel Bill that was introduced in the 1915 session of the California assembly.³⁴ Since by this time it was an open secret that the Japanese were successfully evading the 1913 California Alien Land Law, the new bill proposed to plug all the loopholes in the first land law. It initially appeared that the bill would pass without much opposition considering the strong anti-Japanese sentiment in the state brought forth by the Twenty-One Demands. In 1915, however, this was not to be the case.

Governor Hiram Johnson, with support from fellow Republican legislators, spared no effort in defeating the bill. Although Johnson himself was the central figure that had secured the passage of the 1913 Land Law, he was opposed to any new land law legislation this time on the grounds that it was inexpedient to harm U.S.-Japan relations while war raged in Europe.³⁵ It should be stressed that the Governor's actions had nothing to do with his personal beliefs. Deep down, Johnson was still a blatant racist who held a distorted view of all Asiatics. Therefore, Johnson did not have the slightest hesitation in sympathizing with the Japanese exclusionists. He would have eagerly supported this new anti-Japanese land law had it not been

31. *Ibid.*

32. 22 Stat 58, May 6, 1882.

33. This was an ultimatum that amounted to a virtual protectorate over China. For details, see Thomas Edward LaFargue, *China and the World War* (Stanford, 1937); and Shinichi Kitaoka, "Niju i'kajo saiko: Nichibeigaiko no sogosayou," [A new look at the Twenty-One Demands: Mutual effects upon Japan-U.S. diplomacy], in Nihon Kindai Kenkyukai ed., *Nichibeigaiko no kikinshiki* [Crises perception in Japan-U.S. diplomacy] (Tokyo, 1985): 119-150.

34. Jean Pajus, *The Real Japanese California* (Berkeley, 1937): 71

35. Johnson's decision was also influenced by a letter that he had received from his political father and mentor, former President Theodore Roosevelt. The letter strongly pointed out the inexpediency of passing such legislation at this time. Letter, Roosevelt to Johnson, Nov. 16, 1914, in Johnson MSS, Bancroft Library (University of California at Berkeley). For a discussion of the special relationship between Roosevelt and Johnson, see A. Lincoln, "Theodore Roosevelt, Hiram Johnson, and the Vice-Presidential Nomination of 1912," *Pacific Historical Review* 28 (No.3, 1959): 267-283.

for the larger considerations. This can be seen by the fact that it would only be nine years later that Johnson would play a key role in the passage of the Japanese Exclusion Act.

In 1915, however, Johnson had no choice but to block the passage of the bill. The international scene necessitated this action. On May 7, 1915, a German U-boat had sunk the British passenger liner, *Lusitania*, claiming 1,100 lives, including those of 128 Americans. The American public was livid by this act of aggression, and it appeared as though the United States' entry into the war was imminent. Once again, the situation in Europe had helped to avert a new wave of anti-Japanese agitation in California. With waning public interest in the anti-Japanese issue, politicians in California had no choice but to allow the issue to rest. It was apparent to them that the time was not yet ripe for renewed anti-Japanese legislation.

3. International Environment, Part II: Postwar Period (1919-1920)

In a desperate attempt to change the tide of war, on January 1917, Germany unleashed its campaign of unlimited submarine warfare. Although the U-boat campaign initially succeeded in inflicting heavy losses to allied shipping, it also inadvertently brought the United States into the conflict. On April 6 of the same year, the United States, under President Wilson's "strict accountability" note, formally declared war on Germany. This had an immediate impact on U.S.-Japan relations. Tensions that had been once heightened by the Twenty-One Demands were now considerably relieved. United in the goal of defeating a common enemy, the United States and Japan temporarily set their differences aside. It was in this context that the infamous Lansing-Ishii Notes were agreed to in November 2, 1917.³⁶

Furthermore, the entry of the United States into the war placed Japan in a position as an ally, also contributing to a more positive image of Japan in American public opinion.³⁷ As a result, the anti-Japanese movement in California subsided once again.³⁸ It was readily apparent to the Japanese exclusionists that any anti-Japanese agitation during this time would be inherently unpopular. Thus for the moment, the Japanese in California were allowed to live in relative peace and tranquillity.

The politicians in California, fearing public outrage, also refrained from introducing any anti-Japanese legislation at this time. Clearly, there was no political gain in igniting the immigration question at a time when the United States was at war. For these reasons, not one anti-Japanese bill

36. For the text of the agreement, see *United States Department of State, Papers Relating to the Foreign Relations of the United States: 1917* (Washington, 1926), vol. 1: 258-274. [Hereafter cited as *FRUS* with year.]

37. If cinema in the United States can be considered as one method of measuring public opinion, it is during this period that Japanese actors such as Seshu Hayakawa first began to appear in roles other than that of the sinister villain. Itaro Ishii, *Gaikokan no isho* [Life of a Diplomat] (Tokyo, 1986): 61-62.

38. *NGB/Keikagaiyou*: 599.

appeared in the California legislature during the war.³⁹

However, like before, there was no real permanency in this waning of anti-Japanese sentiment. It had only been submerged for a brief time by the existence of a larger and more pressing issue. Thus when the conclusion of World War I brought an abrupt end to the *mariage de convenance* between the two nations, the anti-Japanese movement quickly resurfaced. Once again, the primary factor behind the rise of this renewed anti-Japanese sentiment were images; how the American public perceived Japan. As soon as the war had ended, it was clear that the national interests of the United States and Japan would clash over a number of issues. Naturally, this led to a perception by American public opinion that Japan posed a threat to the United States. Two events in particular led to reinforce this negative image of Japan. The first was the continued Japanese military presence in Siberia.⁴⁰ The second was the action of Japan during the Paris Peace Conference.⁴¹ Although both events contributed to the renewed friction between the United States and Japan, this article will examine the latter incident as it had a more direct impact on the immigration question.

On January 18, 1919, delegates from the twenty-eight nations of the Allied and Associated Powers assembled in Versailles to negotiate a postwar settlement. Japan had three demands at the Peace Conference. First, maintaining possession of the German concessions in Shantung; second, annexing all the former German islands in the Pacific north of the equator; and third, including a racial equality amendment as part of the League Covenant.⁴² The final demand was of utmost importance to the immigration question. If it were accepted, the repercussion that it would have upon the immigration question were enormous. Not only would it nullify all the alien land laws in California, it would also effectively strip Congress of the power to enact any discriminatory immigration legislation against the Japanese or any other nationality.

The Japanese delegation, headed by Kinmochi Saionji, had specific instructions from Tokyo not involve itself in issues that did not concern the

39. See the *Journal of the Assembly of the State of California*, and the *Journal of the Senate of the State of California* between the period of 1916 to 1918.

40. For an overview of the Siberian question, see Neu (1975), *op.cit.*: 94-97; and Bemis, *op.cit.*: 686-688. For a Japanese perspective, see Teruyuki Hara, *Shiberia shupei — kakumei to kansho — 1917-1922* [Siberian expedition: revolution and intervention] (Tokyo, 1989); and Chihiro Hosoya, "Shiberia shupei o meguru Nichibeikankei," [Japan-U.S. relations surrounding the Siberian expedition] *Kokusaiseiji* (No.1, 1961): 73-90. The diplomatic correspondence is contained in *FRUS*, 1918, vol. 2: 1-467.

41. A detailed analysis of Japan's role in the conference is provided in Takashi Saito's, "Pali kouwakaigi to Nihon," [The Paris Peace Conference and Japan] *Kokusaiseiji* (No.2, 1958): 105-117. For a perspective from the United States, see Seth P. Tillman, *Anglo-American Relations at the Paris Peace Conference of 1919* (Princeton, NJ, 1961).

42. The proposed amendment read the following: "The equality of nations being a principle of the League of Nations, the High Contracting Parties agree to accord, as soon as possible, to all aliens, nationals of all states, members of the League, *equal and just treatment in every respect, making no distinction, either in law or in fact, on account of their race or nationality.*" [italics added] Treat, *op.cit.*: 240.

vital interests of Japan.⁴³ Hence, Japan remained conspicuously mum on the other more important issues of the Peace Conference. Japan was soon called the "Silent Partner" by her allies who were critical of this self-serving attitude. In the eyes of the American public opinion, this only helped to solidify the image of Japan as an ambitious imperialistic power.⁴⁴

Impervious to this criticism, the Japanese delegation went as far as threatening Wilson that it would not join the League if Japan's first demand was not met.⁴⁵ Faced with this ultimatum, Wilson capitulated, and thus the possession of Shantung was given to Japan over the objections of China. To men such as Senator Henry C. Lodge, such action by Japan served to reinforce the conviction that this overly zealous nation was indeed the "Prussia of the East."⁴⁶ No doubt, this was no small factor that led to Lodge's decisive action in passing the Japanese Exclusion Act in 1924.

The second demand concerning the former German islands was settled through a compromise. Rather than outright control, these tiny islands in the Pacific were designated as class "C" mandates.⁴⁷ However, since Congress failed to ratify the Versailles Treaty, the United States could not partake in the mandate scheme. Therefore, when it was realized that one of the islands destined to become a Japanese mandate could serve as a vital communications outpost, the United States vehemently objected to the sole mandate over the island by Japan. In November 1920, this escalated into the Yap Controversy that served to further strain U.S.-Japan relations.⁴⁸

The final demand of inserting a racial equality amendment seemed to be, on the surface, the most reasonable of the three Japanese demands.⁴⁹ Even China, which was openly hostile towards Japan over the Shantung issue, voiced support for the amendment.⁵⁰ However, American public opinion was decidedly against a measure that would contravene state rights. Many Americans were in agreement with Senator Lodge's statement that issues

43. Keiichiro Hara ed., *Hara Kei Nikki* [Kei Hara Diaries] (Tokyo, 1965) [reprinted, 1981], vol. 5: 39.

44. For a general account of American public opinion, see Eleanor Tupper and George E. McReynolds, *Japan in American Public Opinion* (New York, 1937): 147.

45. Masamichi Inoki, *Gunkoku Nihon no Kobo* [The Rise and Fall of the Japanese Militarist State] (Tokyo, 1995): 125; and Akira Iriye, *Nihon no Gaiko* [The Diplomacy of Japan] (Tokyo, 1966): 83.

46. William L. Neumann, *America Encounters Japan: From Perry to MacArthur* (Baltimore, 1963): 157.

47. For details, see Yumiko Imaizumi, "Nanyouguntou inintochi seisaku no keisei," [The development of the mandate policy over the Southern Pacific islands] in Shinobu Oe, et al. ed., *Kindai Nihon to Shokuminchi* [Modern Japan and colonies] (Tokyo, 1993), vol. 4: 51-81.

48. For a fuller discussion, see Miko Nakamura, "Yapu ronso — 1920 nendai no ichironso to shite," [The Yap Controversy: As a case of controversy in the 1920s] *Amerika Kenkyu* (No. 4, 1970): 102-120; and Timothy P. Maga, "Prelude to War? The United States, Japan, and the Yap Crisis, 1918-22," *Diplomatic History* 9 (No.3, 1985): 215-231.

49. For further discussion, see Masaru Ikei, "Pali Heiwa Kaigi to jinshusabetsu teppai mondai," [The Paris Peace Conference and the racial equality amendment issue] *Kokusaiseiji* (No. 3 and 4, 1962): 44-58; and Paul Gordon Lauren, "Human Rights in History: Diplomacy and Racial Equality at the Paris Peace Conference," *Diplomatic History* 2 (No.3, 1978): 257-277.

50. Treat, *op.cit.*: 241.

such as immigration was a purely "domestic question" in the sole power of Congress to legislate.⁵¹ Therefore, the American public would in no way agree to an amendment that would undermine this right held by Congress.

Although the final vote over the racial equality amendment was 11 to 5 in its favor, in the end it failed to become part of the League Covenant. The defeat was in part due to the fact that Great Britain had abandoned its initial support for Japan when Australia — a nation pursuing a "whites only policy" — adamantly refused to agree to the amendment. It was Wilson, however, who finally killed the amendment by proclaiming that such important issues required an unanimous consent by the contracting parties. The reason behind Wilson's decision was simple. He was well aware that Congress would never agree to join in a League that transgressed so far into its powers.

Despite the failure to include the racial equality amendment in the League Covenant, Japan did not hesitate in claiming the final results of the Peace Conference as a tremendous diplomatic victory. What Japan did not realize, however, was that it had paid a dear price for this victory. Not only did Japan intensify Chinese nationalism, but it also left a permanent scar on U.S.-Japan relations. The actions of Japan during the Peace Conference went against every tenet in Wilson's vision of a New World Order highlighted by his Fourteen Points. In the clash between the imperialistic *kyugaiko* [Old Diplomacy] of Japan, and the idealistic *shingaiko* [New Diplomacy] of the United States, both countries began to perceive each other as a threat, eventually leading to a massive naval arms race.

Thus looking back at the Peace Conference, Historian Charles Neu writes, "the Paris Peace Conference had left an ugly heritage in Japanese-American relations." It was also in the same context, however, that the Peace Conference left an ugly heritage in the immigration question between the United States and Japan.

With the gradual deterioration of U.S.-Japan relations, the setting in California was becoming ripe for a resurgence in the anti-Japanese agitation. It was now only a matter of time before this agitation would emerge in the form of the 1920 California Alien Land Law.

4. Domestic Environment, Part I : California Politics (1919-1920)

With the gradual cooling of U.S.-Japan relations, the stage was now set for opportunistic politicians who were eagerly awaiting the moment they could reap political gain from the anti-Japanese issue. There was no better time to do this than an election year. Therefore, in 1920, three politicians in particular took advantage of this opportunity to further their political interests: James D. Phelan, former mayor of San Francisco and current Democratic Senator of the United States; J. M. Inman, Republican State

51. Henry C. Lodge, *The Senate and League of Nations* (New York, 1925): 118-119.

Senator; and finally, John S. Chambers, Republican State Controller.⁵²

In 1919, Phelan was nearing the end of his first term as Senator.⁵³ Therefore, in an attempt to secure his reelection in a state in which the Democratic tide was ebbing, Phelan resorted to the anti-Japanese plank to gain votes.⁵⁴ Similar to Phelan, Inman and Chambers also used the anti-Japanese issue as a way to secure their political ambitions. Inman was running for the House of Representatives, and Chambers was vying to become the next governor of California.⁵⁵ Thus in the 1920 elections, the anti-Japanese plank became a truly bipartisan issue.

There is a common misunderstanding among historians that Phelan was the sole catalyst in the drive to enact the 1920 Land Law.⁵⁶ Moreover, there is also an incorrect belief that Inman acted in coordination with Phelan when he first introduced the new land bill in the state legislature.⁵⁷ The Japanese diplomatic records reveal, however, that Inman played an equal if not larger role in reviving the anti-Japanese movement in California through his campaign to enact a new land law. It should also be mentioned that it is difficult to imagine that Inman, a devout conservative Republican, would abet in the reelection campaign of Phelan, who was a Democrat and a Wilson Progressive.

Phelan first took the initiative in reviving the anti-Japanese movement with his blistering anti-Japanese speech in the California legislature on January 1919. In his speech, Phelan viciously attacked the Japanese as being an economic, social, and military menace to the country.⁵⁸ This also marked the launching of Phelan's reelection campaign. On October 10, 1919, Phelan submitted a bill to the Senate that proposed to amend the Immigration Act of 1917 — the Asiatic Barred Zone Act — so that it would also exclude the Japanese.⁵⁹ The Immigration Act of 1917 had effectively barred all other Asians, except the Japanese, from emigrating to the United States.

Using racial antipathy as the main platform in his reelection bid, was in full

52. Telegram, Consul General of San Francisco Ohta, to the Minister of Foreign Affairs Uchida, November 11, 1919. In Ministry of Foreign Affairs ed., *Nihon Gaiko Bunsho: Taisho 8 nen* [Documents on Japanese Foreign Policy: 1919] (Tokyo, 1970), vol.1: 49. [Hereafter cited as *NGB/T-8*.]

53. For a fuller discussion on Phelan, see Robert Hennings, *James D. Phelan and the Wilson Progressives of California* (New York, 1985).

54. Telegram, Consul General of San Francisco Ohta, to the Minister of Foreign Affairs Uchida, November 11, 1919. *NGB/T-8*: 49.

55. *Ibid.*

56. It is not possible to ascertain where this misconception initially arose from. However, Phelan is given special attention to even in Daniels' work. See Daniels (1962), *op.cit.*: 82-83.

57. For example, see Chuman, *op.cit.*: 77.

58. *NGB/Keikagaiyou*: 599.

59. Telegram, Acting Ambassador to the United States Debuchi, to the Minister of Foreign Affairs Uchida, October 11, 1919. *NGB/T-8*: 17. For the entire text of the bill, see: Letter, Acting Ambassador to the United States Debuchi, to the Minister of Foreign Affairs Uchida, October 16, 1919. *NGB/T-8*: 19-22.

accordance with Phelan's personal convictions. Phelan was an individual that was convinced of the superiority of the white race, and he would incongruously cite the scientific findings of Louis Agassiz and Herbert Spencer to support these views.⁶⁰ However, he also firmly believed that although inferior to the whites, the Japanese were more dangerous than any other Asian race because of their "very cleverness."⁶¹ Thus for Phelan, California was in grave danger because the Japanese were the only race "capable of taking the place of the White man."⁶² Moreover, since the Japanese could not "be treated as the [N]egro" because of their cleverness, the only way to "save California from the Japs" in Phelan's view was to exclude them.⁶³

It was also Phelan's firm belief that even the Japanese that were born in the United States had to be excluded, as "a Jap was a Jap," and it was evident to him that "the native Japanese are as undesirable as the imported."⁶⁴ Moreover, Phelan's convictions were greatly strengthened by the fact that he could support his racist ideology by quotes from the scripture: "The Lord made of one blood all the races of the Earth [but the Lord also] appointed the places of their habitation. This continent belongs to us. That continent belongs to them."⁶⁵ Therefore, in his attempt to make life difficult for those Japanese that were already residing in the United States, Phelan also strove to prevent the immigration of "picture brides."⁶⁶

Unfortunately for Phelan, he did not succeed in monopolizing the anti-Japanese issue. Inman was also aware of the political gain involved in the anti-Japanese issue. Hence in early September, with the assistance of Chambers, Inman formed the Anti-Japanese Association of California. Inman was named president of this political organization, and during its second convention in Stockton on September 29, 1919, a clear mission statement consisting of five points was announced. It called for the following:⁶⁷

1. Cancellation of the Gentlemen's Agreement.
2. Exclusion of "picture brides."
3. Enactment of legislation that would prohibit further immigration of Japanese.

60. Letter, Phelan to Wilbur, December 6, 1922, in Phelan MSS, Bancroft Library (University of California at Berkeley).

61. Letter, Phelan to Donohoe (February 21, 1922): *ibid.*

62. *Ibid.*

63. *Ibid.*

64. Letter, Phelan to McClatchy (November 22, 1923): *ibid.*

65. *Grizzly Bear* (March, 1911): 13.

66. This article will not delve into the picture bride issue. However, Phelan's efforts in stopping this practice can be found in *NGB/T-8*: 64-66 and 119-124. In 1919, the Japanese government agreed to discontinue this practice.

67. Telegram, Consul General of San Francisco Ohta, to the Minister of Foreign Affairs Uchida, October 10, 1919. *NGB/T-8*: 68.

4. Confirmation of the policy that Asiatics will forever be barred from citizenship.
5. Revision of Section One of the Fourteenth Amendment so that children born to aliens ineligible to citizenship will not be given the right to become an American citizen.

Furthermore, the following three courses of action were agreed upon:⁶⁸

1. To draft a "most severe" anti-Japanese legislation.
2. To have the citizens of the state themselves enact the above legislation through an initiative petition.
3. To place the aforementioned legislation on the 1920 ballot.

Inman was also a driving force behind the movement to convene a special session of the state legislature in order to pass the Inman Bill, the forerunner to the 1920 Land Law.⁶⁹ Inman, on October 27, 1919, in coordination with the other anti-Japanese politicians, wrote a concurrent resolution that demanded the governor to convene a special session of state legislature four days after the conclusion of the current session.⁷⁰ Largely through his efforts, on November 1 — the final day of the current session — the resolution was adopted by both Houses in a nearly unanimous vote.⁷¹

However, despite this effort by Inman, Governor William D. Stephens ignored the resolution and refused to convene a special session to discuss amendments to the 1913 Land Law.⁷² There were four chief reasons for this. The first was that the Stephens did not want to contribute to the political ambitions of either Inman or Phelan.⁷³ The second was that the governor felt that any discussion pertaining to the amendment of the 1913 Land Law should take place after the State Board of Control had submitted its investigative report on the Japanese situation in California.⁷⁴ The third reason was that the governor felt that the Japanese immigration question was a problem that should be dealt effectively by the Federal government.⁷⁵ The final and most important reason, however, was that the governor knew that delicate Peace Conference negotiations were currently underway with Japan. Stephens had been explicitly informed by the State Department that

68. *Ibid.*

69. *NGB/Keikagaiyou*: 610-612.

70. Telegram, Consul General of San Francisco Ohta, to the Minister of Foreign Affairs Uchida, October 29, 1919. *NGB/T-8*: 73.

71. *Ibid.*, November 2, 1919. *NGB/T-8*: 43.

72. Telegram, Consul General of San Francisco Ohta, to the Minister of Foreign Affairs Uchida, January 15, 1920. In Ministry of Foreign Affairs ed., *Nihon Gaiko Bunsho: Taisho 9 nen* [Documents on Japanese Foreign Policy: 1920], vol.1: 3 [Hereafter cited as *NGB/T-9*].

73. *Ibid.*

74. *Ibid.*

75. Telegram, Consul General of San Francisco Ohta, to the Minister of Foreign Affairs Uchida, January 22, 1920. *NGB/T-9*: 6.

the introduction of a land bill at this crucial juncture would have the potential to derail the negotiations.⁷⁶

Deprived of a floor to introduce the new land bill, Inman's only remaining alternative was to resort to an initiative.⁷⁷ Hence, for the first time in the history of the anti-Japanese movement, the anti-Japanese issue was brought directly before the people of the state. The entire issue was now beyond the control of the state government; even the governor was powerless to intervene as he could not veto a measure that was passed through an initiative.

Public reaction to the alien land law initiative was immensely positive. Once its popularity was apparent to the politicians, both Republicans and Democrats alike rushed to board the anti-Japanese band wagon.⁷⁸ Even Stephens, who was at first reluctant in supporting the measure, became an ardent supporter of the initiative once it was clear that it would pass by a wide margin. At this point, it would have been simply political suicide for any politician to oppose the land law initiative.

Therefore, the political situation in California — the fact that it was an election year and the anti-Japanese issue was extremely popular with the voters — was a crucial factor that led to the resurgence of the anti-Japanese movement. However, the politicians were not alone in their effort to capitalize on the anti-Japanese issue. Various anti-Japanese pressure groups worked conjointly with the politicians to support the land law initiative, so that they too could further their own interests.

5. Domestic Environment, Part II: Anti-Japanese Pressure Groups

The other factor that contributed to the enactment of the 1920 California Alien Land Law was the role played by various anti-Japanese pressure groups in California. Anti-Japanese pressure groups were special interest groups that ranged from veteran's associations to labor and farm unions. Membership by prominent political leaders was the primary source of the political influence held by these pressure groups. Although there were more than one hundred anti-Japanese pressure groups⁷⁹ of various sizes throughout California in the 1920s, the following four organizations played a

76. The position of the State Department is clearly stated in a telegram that Lansing sent from the Peace Conference: "It would be very embarrassing, if not disastrous, at this time to have such proposed legislation even debated in California." Telegram, Secretary of State Lansing, to the Acting Secretary of State Polk, April 8, 1919 (RG59/NACP): 811.5294/29. For the State Department communication to California, see Telegram, Secretary of State Lansing, to the Secretary of the Senate of California Beck, April 9, 1919 (RG59/NACP): 811.5294/30.

77. Telegram, Consul General of San Francisco Ohta, to the Minister of Foreign Affairs Uchida, January 23, 1920. *NGB/T-9*: 7.

78. Treat, *op.cit.*: 281.

79. For a partial list of these groups, see Telegram, Consul General of Los Angeles Oyama, to the Minister of Foreign Affairs Uchida, November 10, 1919. *NGB/T-8*: 47. See also Daniels (1962), *op.cit.*: 84, 144.

central role in the movement to pass the land law initiative: 1) the Native Sons of the Golden West⁸⁰; 2) the American Legion; 3) the California State Federation of Labor; and 4) the California State Grange.⁸¹

The anti-Japanese pressure groups were all united by a common racist ideology and the firm belief that the Japanese had to be excluded. However, it was not until 1919 that they joined hands to become a single driving force in the anti-Japanese movement. In this year, the Japanese Exclusion League [subsequently renamed the California Joint Immigration Committee] was formed, and through this umbrella organization, the anti-Japanese pressure groups combined their resources in an effort to remove the Japanese from the soil.⁸² Hence, it is necessary to examine these four organizations in order to better understand the other domestic force that led to the enactment of the 1920 California Alien Land Law.

i . Native Sons of the Golden West

The Native Sons of the Golden West (N.S.G.W.) was an "exclusive organization of the California-born who were dedicated in preserving the state as it always had been and God Himself intended it shall always be — the White Man's Paradise."⁸³ This xenophobic and reactionary pressure group played an extremely influential role in California politics from about the turn of the century to the beginning of the Great Depression. The N.S.G.W. used this political influence to play a major role in the Japanese exclusion movement.⁸⁴

The anti-Japanese history of the N.S.G.W. dates back to 1907, when the very first issue of their monthly publication, the *Grizzly Bear*, proclaimed that the Japanese were an "Asiatic Peril" that endangered the existence of the "white civilization in California."⁸⁵ Followed by this article, subsequent issues of the *Grizzly Bear* would almost always decry the Japanese as a serious menace to the state. A typical article would warn its readers that California was becoming "Japanized", similar to the way that the South was being "Negroized."⁸⁶ Genuine racism was the chief motivation behind the antipathy towards the Japanese. However, this did not preclude the

80. There was also a distaff counterpart known as the Native Daughters of the Golden West. Although a separate entity altogether from the Native Sons, the two groups often worked together as a single group. Therefore, for the sake of simplicity, this article will discuss the Native Daughters in the same context as with the Native Sons.

81. Due to the similarity of their nature and objectives, the California State Farm Bureau Federation will be discussed in this article together with the California State Grange.

82. Jacobus tenBroek, et al., *Prejudice, War and the Constitution* (Berkeley, 1954): 55.

83. *Grizzly Bear* (March, 1920): 4.

84. tenBroek, *op.cit.*: 46. See also Peter Conmy, *The History of California's Japanese Problem and the Part Played by the Native Sons and Daughters of the Golden West in Its Solution* (San Francisco, 1942): *passim*.

85. Jerome A. Hart, "The Asiatic Peril," *Grizzly Bear* (May, 1907): 24-25.

86. *Grizzly Bear* (July, 1923): 27.

N.S.G.W. from just attacking the Japanese. Individuals such as Reverend Sidney Gulick who were active in the pro-Japanese movement were also ruthlessly criticized as being "white-Japs."⁸⁷ The N.S.G.W. was particularly critical of the various Protestant church groups, claiming that they were being "more active in the interests of the yellow pests in California than any other agency" in the state.⁸⁸ The level of antagonism that the N.S.G.W. held towards the Japanese could also be seen by the fact that at one point it even supported a movement to purge all pro-Japanese educators teaching at universities in the state.⁸⁹

The campaign by N.S.G.W. to enact a tougher alien land law was led by one of its most prominent member, Senator Phelan.⁹⁰ In a 1919 article of the *Grizzly Bear*, Phelan exhorted that continued Japanese immigration would surely lead to a "mongrel and degenerate population," and thus he called for the formation of an organized movement that would "check the evil and to answer the extensive Japanese propaganda."⁹¹ On par with these anti-Japanese ramblings of Phelan, an editorial in a subsequent issue of the *Grizzly Bear* sensationally called out to its readers that "the Japanese menace IS HERE and the time for concerted action is NOW!"⁹²

In the same year, the N.S.G.W. promptly established the Committee on Asiatic Matters. This committee was given the task of beginning a massive petition drive that demanded the governor to immediately enact a new anti-Japanese land law. When Stephens refused to call a special session of the state legislature, the N.S.G.W. promptly demanded his impeachment. In doing so, the N.S.G.W. claimed that a recall of the governor would be sure to "impress upon the yellow-Japs and their white-Jap admirers and hirelings the knowledge that white voters predominate in California."⁹³

Deprived of a special legislative session, the next step of the N.S.G.W. was to begin a campaign on behalf of an initiative measure that would amend the existing land law. On March 13, 1920, in coordination with the other anti-Japanese pressure groups in the Japanese Exclusion League, the N.S.G.W. launched its extensive propaganda campaign, urging voters throughout the state to support the new land law initiative.⁹⁴ The official stance of the N.S.G.W. was that this initiative was the only way to "save

87. *Ibid.*, (February, 1921): 5. For a discussion of the pro-Japanese activities of Sidney Gulick, see Sandra C. Taylor, *Advocate of Understanding: Sidney Gulick and the Search for Peace with Japan* (Kent, OH, 1984); and idem, "Japan's Missionary to the Americans: Sidney L. Gulick and America's Interwar Relationship with the Japanese," *Diplomatic History* 4 (No.4, 1980): 387-407.

88. *Ibid.*, (March, 1922): 22.

89. Montaville Flowers, "The Third Conflict," *Grizzly Bear* (December, 1919): 3-4.

90. Telegram, Consul General of San Francisco Ohta, to the Minister of Foreign Affairs Uchida, November 20, 1919. *NGB/T-8*: 52.

91. *Grizzly Bear* (April, 1919): 3.

92. *Ibid.*, (October, 1919): 2.

93. *Ibid.*, (March, 1920): 4.

94. tenBroek, *op.cit.*: 48. See also Telegram, Consul General of Los Angeles Oyama, to the Minister of Foreign Affairs Uchida, April 26, 1920. *NGB/T-9*: 38-39.

California from the yellow-Jap peaceful invaders and their white-Jap co-conspirators."⁹⁵

Once the initiative had passed, the next move for the N.S.G.W. was to spread the Japanese exclusion movement to the national level. This effort eventually culminated into passage of the Japanese Exclusion Act in 1924. Although this event marked the beginning of the decline of the N.S.G.W., by this time, however, irreparable damage had already been inflicted upon the Japanese in California.

ii. American Legion

Unlike the N.S.G.W., the American Legion was a pressure group that boasted a membership on the national level.⁹⁶ However, this did not in anyway inhibit the American Legion from being one of the most anti-democratic organizations in the United States.⁹⁷ From its very first convention held in Minneapolis in November 1919, this World War I veteran's group continuously adhered to a strict anti-Japanese policy.⁹⁸

The American Legion actively participated in the anti-Japanese agitation in California through its affiliate, the California Department of the Legion. The head of the California Legion was James K. Fisk, who also served as chairman of the Japanese Exclusion League.⁹⁹ Through Fisk, the Legion played a central role in the Japanese Exclusion League.

The Legion participated in the anti-Japanese movement by sponsoring conventions throughout the state in which various anti-Japanese resolutions would be adopted.¹⁰⁰ The majority of these resolutions were aimed at tightening the 1913 Land Law. A typical resolution would call on the state legislature to enact a law that would explicitly prohibit the Japanese from leasing any agricultural property as well as to dissolve all alien land holding corporations. However, once the reluctance of the governor to act was evident, the Legion quickly moved to place the new land law initiative on the 1920 ballot. Once this task had been accomplished, the Legion next turned its effort in ensuring the safe passage of the initiative. The official organ of the Legion, the *American Legion Weekly*, in coordination with its sister publication in California, the *California Legion Weekly*, constantly ran

95. *Grizzly Bear* (April, 1920): 4.

96. Congressman Albert Johnson of Washington, who played an important role in the passage of the Immigration Act of 1924 in the House, was also a member of the American Legion.

97. For a fuller discussion of the American Legion, see Roscoe Baker, *The American Legion and American Foreign Policy* (New York, 1954); and Ruth Kern, "Political Policy and Activities of the American Legion," (unpublished M.A. thesis, University of California at Berkeley, 1926).

98. Telegram, Consul General of San Francisco Ohta, to the Minister of Foreign Affairs Uchida, November 12, 1919. *NGB/T-8*: 51.

99. tenBroek, *op.cit.*: 44.

100. Telegram, Consul General of San Francisco Ohta, to the Minister of Foreign Affairs Uchida, October 10, 1919. *NGB/T-8*: 41.

articles urging its readers to support the new measure.¹⁰¹

However, the most potent and effective propaganda tool that the Legion used was the motion picture *Shadows of the West*. In this sensationalistic film widely shown throughout California in the early 1920s, the Japanese were portrayed as being a grave threat to California agriculture.¹⁰² The plot of the film was simple. The Japanese government had a clandestine plan to eventually overtake the entire agriculture industry of California. In the end, the ploy is thwarted by the heroic efforts of the Legion. Hence, the film also served as a means to increase the public awareness of the Legion. However, the true significance of the film was that it suddenly made the Japanese presence in California agriculture a concern for the entire state.

The Legion played a prominent role in securing the passage the 1920 Land Law. Therefore, in somewhat of an exaggeration, the commander of the Stockton (California) Legion would boast that, "we were the first ... to agitate the question and circulate anti-Japanese-Asiatic petitions ... and we feel that we are more or less responsible for the movement in California."¹⁰³ It should be also noted that the Legion was not only responsible for the anti-Japanese movement in California, but it was also responsible for bringing organized violence into the anti-Japanese movement for the first time. Soon after the Legion joined the anti-Japanese crusade, forced expulsions of Japanese farmers from their land became frequent occurrences. The largest and most violent of these expulsions took place during the Summer of 1921 in Turlock, California.¹⁰⁴ The livelihood of the Japanese were now threatened by more than just discriminatory legislation. They now had to fear for their lives.

In 1922, the Legion established the National Committee on Oriental Affairs in order to promote the passage of alien land legislation in other states.¹⁰⁵ At the same time, the Legion used its powerful Washington lobby to enact an immigration law that would exclude the Japanese. These efforts finally bore fruit in 1924 with the passage of the Japanese Exclusion Act. Although the Legion believed that this new immigration legislation was too "moderate," it nevertheless proclaimed it as a victory for the entire anti-Japanese movement.¹⁰⁶ The Legion gradually lost interest in the anti-Japanese issue until the outbreak of World War II when it once again appeared at the forefront of the anti-Japanese movement.

101. tenBroek, *op.cit.*: 45.

102. *Ibid.*

103. *Japanese Immigration*, Hearings, 66th Congress 2d sess., House Committee on Immigration and Naturalization, Part I (Washington, 1920): 475-476.

104. For details of the incident, see Raymond L. Buell, "The Development of Anti-Japanese Agitation in the United States," *Political Science Quarterly* 38 (March, 1923): 73.

105. tenBroek, *op.cit.*: 45.

106. Marcus Duffield, *King Legion* (New York, 1931): 203.

iii. California State Federation of Labor

The labor unions in California have a long anti-Japanese tradition that dates all the way back to 1888. It was in this year that the San Francisco Shipowners' Association decided to man its vessels with Japanese seamen. This decision brought forth an outpour of bitter opposition from the local labor unions. From this point onwards, the labor unions in the state became an integral part of the anti-Japanese movement.¹⁰⁷ However, by 1920, the labor movement itself had lost much of its original momentum. This forced the labor unions to play a distinctively subordinate role in the anti-Japanese movement in the 1920s. Moreover, as the Japanese no longer competed economically with organized labor, many labor unions had lost their initial interest in the anti-Japanese movement. By this time, most Japanese had either become small scale farmers or business owners.¹⁰⁸

One of the few labor unions that continued to actively partake in the anti-Japanese movement in the 1920s was the California Federation of Labor (C.F.L.). Led by its secretary, Paul Scharrenberg — also editor of the *Coast Seamen's Journal* — the C.F.L. rose to become a prominent member in the Japanese Exclusion League.¹⁰⁹ Under the leadership of Scharrenberg, the C.F.L. had already organized a convention in Bakersfield in October 1919 that adopted a resolution demanding an amendment to the 1913 Land Law.¹¹⁰

For Scharrenberg, the anti-Japanese movement had nothing to do with labor competition. It was simply an article of faith. His long standing position on Japanese exclusion came from his distorted view of Asians in general. From Scharrenberg's point of view, the Japanese menace was real. The only way to remove this menace was to exclude them. Therefore, the C.F.L. campaigned vigorously for the passage of the new land law initiative in 1920.

Scharrenberg was also aided in his effort to pass the initiative by a fellow C.F.L. officer, and editor of the *Labor Clarion*, James W. Mullen.¹¹¹ Together, the *Labor Clarion* and the *Coast Seamen's Journal* became the C.F.L.'s primary tool in promoting anti-Japanese agitation in the state. The significance of these two newspapers was that it kept the Japanese issue alive in the more urban parts of the state where the Japanese presence was not as noticeable. Therefore, the papers played a crucial role in securing labor support for the land law initiative. Upon the passage of the 1920 Land Law, an elated Scharrenberg was quick in exclaiming that "the people of California [had] voted to preserve the Golden State as a heritage to the

107. tenBroek, *op.cit.*: 33. See also *Coast Seamen's Journal* (February 20, 1907).

108. Daniels (1962), *op.cit.*: 87.

109. tenBroek, *op.cit.*: 38

110. Telegram, Consul General of San Francisco Ohta, to the Minister of Foreign Affairs Uchida, October 7, 1919. *NGB/T-8*: 41.

111. tenBroek, *op.cit.*: 38.

white race."¹¹²

Similar to the other anti-Japanese pressure groups, after the passage of the 1920 California Alien Land Law, the C.F.L. turned its attention towards the enactment of a Japanese exclusion law at the Federal level. The *Coast Seamen's Journal* was again in the vanguard of this anti-Japanese movement at the national level. In an editorial in one issue, the newspaper flatly stated that "there is no common meeting ground between the races ... there should be no compromise and no lowering of the Asiatic barriers."¹¹³ However, like many anti-Japanese pressure groups, the C.F.L.'s involvement in the anti-Japanese movement rapidly waned after exclusion had been accomplished in 1924. Moreover, with the onset of the Great Depression, the C.F.L. now had to deal with more pressing issues. Therefore, by the end of the decade, it completely withdrew itself from the anti-Japanese movement.

iv. California State Grange

The final pressure group to play a key role in the enactment of the 1920 California Alien Land Law was the California State Grange (C.S.G.).¹¹⁴ Led by George R. Harrison, the C.S.G. rose to become one of the premier farmers associations in the state supporting the anti-Japanese movement.

The C.S.G.'s anti-Japanese history began in 1907 when a resolution was adopted during its convention that stipulated that "no alien shall be allowed to hold title to lands in the United States before declaring his intention of becoming a citizen."¹¹⁵ Like the land law that was to follow six years later, the aim of the resolution was to simply prohibit the Japanese — who as "aliens ineligible to citizenship" could not possibly declare an intention to become naturalized — from owning any real property.

However, by the following year, the anti-Japanese agitation in California had subsided considerably and similar anti-Japanese resolutions by the C.S.G. were adopted only intermittently throughout the next decade. This situation changed in 1919 when the C.S.G. joined the Japanese Exclusion League under the leadership of Harrison. Soon the C.S.G. became an active participant in the movement to pass the 1920 initiative.

The C.S.G. contributed to the passage of the initiative by organizing meetings of its local chapters in which the Japanese menace was repeatedly stressed. Various anti-Japanese resolutions would also be adopted at these meetings. A typical resolution would declared the urgent need for wider publicity "to the dangers to farming interests on the Pacific Coast and to

112. *Coast Seamen's Journal* (April, 1920): 4.

113. *Ibid.*, (September 1923): 2.

114. For an official account of the history of the Grange, see Thomas C. Atkeson, *Outlines of Grange History* (Washington, 1928).

115. National Grange, *Journal of Proceedings*, 1907 (Concord, NY, 1907): 149.

American civilization from Japanese immigration." The same resolution also demanded the white farmers "to aid in all ways possible, the formation and passage of legislation restricting ... immigration."¹¹⁶

The C.S.G. particularly played an important role in making those in the rural community of the state — including rural communities that did not have a Japanese population — fully aware of the Japanese presence and the threat that they posed to the agricultural interests in California. What set the C.S.G. apart from other anti-Japanese pressure groups was that it had a *direct* stake in the passage of the measure since the 1920 Land Law dealt with the owning and leasing of agricultural property.

According to Jacobus ten Broek, et al., there were three main reasons why the C.S.G. actively participated in the anti-Japanese movement.¹¹⁷ First, was the fear of Japanese competition. Although the fears of the C.S.G. were often unsubstantiated, nevertheless, the Japanese presence in California agriculture was perceived to be a direct threat to the vital economic interests of the white farmer. Second, was the social and psychological fear towards a race that was both physically and culturally very different from their own. The final reason was perhaps the most important; the exploitation of the anti-Japanese issue in order to promote its own expansion. In fact in the period between 1920 to 1925 when the anti-Japanese agitation by the C.S.G. was at its apex, membership had grown by more than fifty percent.¹¹⁸ Therefore, it was readily apparent to the leaders of the C.S.G. that the anti-Japanese issue also provided a means to promote the group itself.¹¹⁹

To be sure, in varying degrees these three reasons apply to all the aforementioned anti-Japanese pressure groups that have been discussed. Hence, it is important to realize that the benefits that could be reaped from participating in the anti-Japanese movement was not dependent upon the *actual presence* of the Japanese; rather, it relied on the *actual process* of opposing them.

6. Road to Exclusion: The 1920 California Alien Land Law

The 1920 land law initiative was originally drafted by the chief editor of the *Sacramento Bee* and long time anti-Japanese agitator, Valentine S. McClatchy,¹²⁰ with the assistance of J. M. Inman.¹²¹ The initiative was based on the original bill that Inman had attempted to introduce in the 1919 session

116. *Ibid.*, *Journal of Proceedings*, 1920 (Concord, NY, 1920): 158.

117. tenBroek, *op.cit.*: 56-57.

118. Atkeson, *op.cit.*: appendix.

119. tenBroek, *op.cit.*: 57.

120. For a brief overview of the role that McClatchy played in the anti-Japanese movement, see Daniels (1962), *op.cit.*: 91.

121. Shinichi Kato, *Amerika Imin Hyakunenshi* [The centennial history of American immigrants] (Tokyo, 1962), vol. 2: 48. See also, *NGB/Keikaguiyow*: 612.

of the state legislature. Since Governor Stephens had at that time refused to convene a special session of the state legislature, the only other available option for Inman was to take the issue directly to the people of the state by placing it on the ballot in the form of an initiative.

One of the requirements necessary in placing an initiative on a ballot was to gather a predetermined number of signatures from those state residents eligible to vote. According to the state constitution, the number required was to be eight percent of the total votes collected in the most recent governor's election.¹²² By this formula, 55,094 signatures were needed to successfully place the initiative on the 1920 ballot.¹²³ Therefore, the chief anti-Japanese agitators in the state — Phelan, Inman, Chambers, and McClatchy to name a few — in coordination with the various anti-Japanese pressure groups, launched a massive campaign on March 13, 1920 to collect the required number of signatures. Largely through their efforts, more than 85,000 signatures were collected by the deadline on August 3.¹²⁴ Once the collected signatures had been determined to be valid by the Lieutenant governor, the initiative measure was finally placed on the ballot as Proposition 1.

Proposition 1 consisted of fourteen sections, of which the following were its main features:¹²⁵

1. Prohibited corporations in which Japanese aliens had a majority of the stock from leasing or purchasing land (Section 3).
2. Prohibited Japanese parents who were not citizens from serving as guardians of property for their minor children (Section 4).¹²⁶
3. Established a provision of criminal penalties for persons who failed to file accounting of lands on behalf of ineligible aliens or minors (Section 5[c]), and for persons who conspired to transfer real property to ineligible aliens (Section 10).
4. In addition to the attorney general, the district attorney of the proper county was also given the power to institute escheat proceedings for violations of the provisions (Section 7).

122. For the detail of the initiative process, see Telegram, Consul General of San Francisco Ohta, to the Minister of Foreign Affairs Uchida, February 19, 1920. *NGB/T-9*: 21-23. See also, *NGB/Keikagaiyou*: 609-610.

123. *NGB/Keikagaiyou*: 609.

124. Kato, *op.cit.*: 48.

125. For the full text of the 1920 California Alien Land Law, see Charles F. Curry, *Alien Land Laws and Alien Rights*, House Doc. 59, 67th Cong., 1 sess. (Washington, 1921): 38-41.

126. This was later ruled unconstitutional by the California Supreme Court in *Estate of Tetsubumi Yano*. 188 Cal. 645, May 1, 1922.

5. Prohibited leases of any kind to aliens ineligible to citizenship (Section 8).

However, the most important point of Proposition 1 was in the following provision of Section 9(a):

6. A prima facie presumption will be made that the conveyance of land was made to avoid the intent of the law if a Japanese alien furnished the funds to purchase land, and the title of such land was taken in the name of another person. In such instance, the conveyance will be deemed void and the property will be subject to escheat to the state.¹²⁷

With these six provisions, all the major avenues of evading the 1913 California Alien Land Law had been effectively closed. For the anti-Japanese agitators, Proposition 1 was a nearly flawless legal solution to the Japanese menace.¹²⁸

Once the initiative had been successfully placed on the ballot, the next step of the anti-Japanese agitators was to secure its passage. Once again, the anti-Japanese politicians and the anti-Japanese pressure groups joined hands to create a unified propaganda machine. Under the slogan, "Vote Yes on Proposition 1 Alien Land Law — 'Save California from the Japs'," (see *fig. 1*) the propaganda campaign was efficiently carried out throughout the entire state. The success of this propaganda campaign can be seen from the fact that out of the one hundred daily and weekly newspapers in California, only five papers were opposed to Proposition 1.¹²⁹

With the measure so popular in the state, it was only natural that the results of the vote would be a landslide. The final vote count was 668,483 to 222,086 in favor of Proposition 1.¹³⁰ In the end, the initiative had carried

127. This was upheld as constitutional until struck down by the United States Supreme Court in the landmark case of *Oyama v. California*. 332 U.S. 633, January 19, 1948.

128. The United States Supreme Court later affirmed the constitutionality of the land law in the four landmark cases of *Terrace v. Thompson*: 236 U.S. 197, November 12, 1923; *Porterfield v. Webb*: 263 U.S. 225, *ibid.*; *Webb v. O'Brien*: 263 U.S. 313, November 19, 1923; and *Frick v. Webb*: 263 U.S. 326, *ibid.* For a complete legal history of these cases, see the following:

San Francisco Consulate General ed., *Documentary History of Law Cases Affecting Japanese in the United States, 1916-1924* (San Francisco, 1925), vol. 2; Dudley O. McGovney, "The Anti-Japanese Land Laws of California and the Ten Other States," *California Law Review* 35 (March, 1947): 7-59; Milton Konvitz, *The Alien and the Asiatic in American Law* (Ithaca, NY, 1946): 148-170; Moritoshi Fukuda, *Legal Problems of Japanese Americans* (Tokyo, 1980); and Ferguson, *op.cit.*: 60-90.

129. The papers were as follows: *San Jose News*; *Richmond Independent*; *Fresno Republican*; *Los Angeles Express*; and the *Los Angeles Times*. All five papers were conservative Republican papers; they deprecated underlying political motives for turning the alien land law into a jingoistic bluster. See Daniels (1962), *op.cit.*: 146.

130. Letter, Governor of California Stephens, to the Acting Secretary of State Davis (RG59/NACP): 811.5294/219.

every county in the state. However, the final vote did not approach the ten to one margin that many Japanese exclusionists had initially anticipated.¹³¹ Although it is true that an overwhelming majority had voted for Proposition 1, the fact should not be overlooked that there was also a significant number of people in the state that had opposed the measure.

On December 4, the final vote was deemed valid and Proposition 1 was put into effect five days later to become the 1920 California Alien Land Law.¹³²

Although there is no question that the Japanese were the primary victims of the 1920 Land Law, there is still considerable debate as to the true impact the second alien land law had on the Japanese farmer. Scholars such as Roger Daniels contend that the 1920 California Alien Land Law was just an "empty gesture, an ineffective irritant," much like "lock[ing] the door after the horse had been stolen."¹³³ However, more recent studies by Yuji Ichioka contradict this view by citing data that show that the "new law threatened the economic foundation of Japanese immigrant society."¹³⁴

It is not the intent of this article to determine which assessment is more accurate. However, it would be utterly absurd to believe that the livelihood of the Japanese went completely unaffected by the new alien land law. Statistics reveal that Japanese ownership of agricultural land holdings actually decreased by 32,781 acres — nearly a 44% decline in total acreage — in the five year period between 1920 and 1925.¹³⁵ What is not clear, however, is what percentage of this decline can be directly attributed to 1920 land law. It must not be forgotten that agriculture in general in California was suffering from a lingering postwar recession that lasted well into the 1930s.

In all actuality, the enactment of the new alien land law left the Japanese with very few options in which to circumvent the law. The last resort for Japanese farmers was to enter into a share-cropping agreement, which was in essence, a quasi-lease. However, this method was also soon deprived by a 1923 amendment to the 1920 Land Law that declared that "share-cropping

131. Daniels (1962), *op.cit.*: 90

132. Telegram, Consul General of San Francisco Ohta, to the Minister of Foreign Affairs Uchida, December 4, 1920. NGB/T-9: 191-192 and *ibid.*, December 7, 1920: 193.

133. Daniels (1962), *op.cit.*: 88. This has actually been the predominant view held by early scholars studying this issue. For example, see the following:

Emil T. H. Bunje, *The Story of Japanese Farming in California* (Berkeley, 1937): 125-135; Carey McWilliams, *Prejudice: Japanese Americans: Symbol of Intolerance* (Boston, 1944): 65; and Strong, *op.cit.*: 102-104. For more recent works supporting this view, in addition to the aforementioned Daniels, see John Modell, *The Economics and Politics of Racial Accommodation* (Urbana, IL, 1977): 100-103; and Robert Higgs, "Landless by Law: Japanese Immigrants in California Agriculture to 1941," *Journal of Economic History* 38 (March, 1978): 221.

134. Ichioka (1984), *op.cit.*: 163. For a similar view, see Masakazu Iwata, "The Japanese Immigrants in California Agriculture," *Agricultural History* 36 (Jan., 1962); T. Scott Miyakawa, "Review of Daniels' *The Politics of Prejudice*," *Southern California Quarterly* (March, 1964): 108; and Harry H. L. Kitano, *Japanese Americans: The Evolution of a Subculture* (Englewood Cliffs, NJ, 1969): 18.

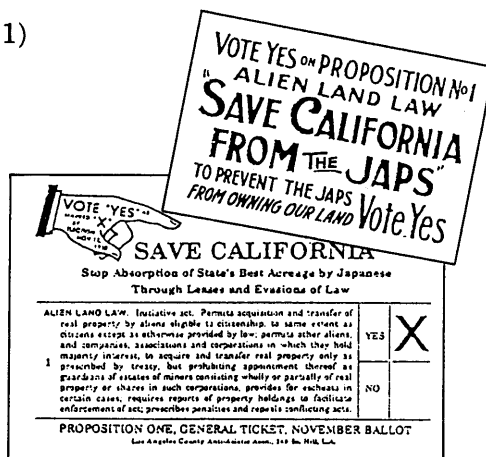
135. Eliot G. Mears, *Resident Orientals on the American Pacific Coast* (Chicago, 1928): 255.

agreements constituted an interest in real property."¹³⁶ With this one final legislative act, the door had been completely closed for Japanese in California who sought to pursue their livelihood in agriculture. This door would not reopen again for the next thirty years.¹³⁷ Thus the 1920 Land Law — a despicable symbol of racial intolerance — marked the final stage of the Japanese exclusion movement in California.

With the passage of the 1920 California Alien Land Law, the Japanese exclusionists in California had done all that they could to halt the "Japanese invasion." What was left now was to seek Federal legislation that would prohibit further Japanese immigration into the United States. Therefore, the next stage of the anti-Japanese movement was to take place at the Federal level. The ultimate victory for the Japanese exclusion movement was now only four years away.

In the meantime, however, the passage of the 1920 Land Law had once again precipitated a diplomatic imbroglio involving the immigration question between the United States and Japan. Although the emergence of a diplomatic dispute in response to the anti-Japanese movement in California was a recurring theme in the history of the immigration question, the situation was slightly different in 1920. The enactment of the 1920 Land

(fig. 1)



From: Kyo Takahashi, *Kaeranai Nihonjin-Oukahen*

[The Japanese who do not return: Yellow Peril edition] (Tokyo, 1991): 130.

136. Section 8 of 45 Cal. Stats 1020, June 10, 1923. The new amendment also had a provision whereby any real property acquired in violation of the 1920 Land Law was to escheat as of date of such acquiring. Hence, once procedures to escheat the property had begun, the Japanese farmer could no longer sell off the land in an attempt to minimize his or her losses. This placed the Japanese farmer in an even more financially precarious position. For details, see Chuman, *op.cit.*: 88.

137. In 1952, the California Supreme Court overturned its earlier ruling and declared the alien land laws in California unconstitutional because they were based on the principle of racial prejudice. *Fujii v. California*: 38 Cal. 2d 718, April 17; and *Masaoka v. California*: 39 Cal. 2d 883, July 9.

Law did not precipitate a diplomatic crisis that had in the past, eventually led to a war scare. This was because, for the first time in the history of the immigration question, there was a serious attempt by both sides to resolve the immigration question once and for all in a mutually acceptable manner. Hence, it is now necessary to examine the 1920 California Alien Land Law in the context of U.S.-Japan relations.

7. Coda: The 1920 California Alien Land Law and U.S.-Japan Relations

Like most anti-Japanese incidents in California during the prewar period, Washington was also slow to learn of the events in 1920. From Washington, California was still a distant state located on the frontier of the nation. The State Department only realized that there was a renewed anti-Japanese movement underway in California when it received a telegram from the Ambassador to Japan, Roland S. Morris, on March 16, 1920, three full days after the campaign to place the alien land law initiative on the ballot had begun.¹³⁸ Morris himself had first learned of the situation in California only three days earlier in a meeting with Kōsai Uchida, the Japanese Minister of Foreign Affairs. During their conversation, Uchida had stated to Morris that "a serious issue would be raised between our governments" if the initiative were to pass.¹³⁹

The Japanese government had always followed the immigration question in California with great scrutiny ever since the 1906 San Francisco School Board Incident. The situation in 1920 was no exception; the Foreign Ministry had been receiving detailed reports of the renewed anti-Japanese agitation through its Consulate in San Francisco.¹⁴⁰ Thus Uchida had decided to notify Morris of his concern when it seemed apparent that the current anti-Japanese movement was gaining enough of a momentum that it could potentially lead to the passage of a new land law.

However, even after Morris' telegram had been received, the State Department was reluctant in pursuing the issue any further. There were two reasons for this. First, the proper diplomatic channel had not been followed.¹⁴¹ It was protocol that the Japanese government notify the State Department directly through its Ambassador in Washington. Second, the State Department concurred with Morris' confidential assessment that the Japanese government had decided to raise this issue at this time as a move to weaken the United States' position in the ongoing consortium negotiations regarding China.¹⁴²

138. Telegram, Ambassador Morris, to the Acting Secretary of State Long, March 16, 1920 (RG59/NACP): 811.5294/38.

139. *Ibid.*

140. See *NGB/T-8*: 33-63; and *NGB/T-9*: 1-206.

141. Telegram, Acting Secretary of State Long, to the Ambassador Morris, March 19 (RG59/NACP): 811.5294/39a.

142. *Ibid.*

In his telegram, Morris had written, "it is hardly a coincidence ... that the [immigration] question is so often brought forward when some more substantial or immediate issue usually involving Japan's economic or territorial claims has reached a critical point."¹⁴³ But this did not necessarily mean that Morris felt that the anti-Japanese movement was trivial. He stated in the same telegram that the "general question of race discrimination is the underlying irritant in American-Japanese relations and the feeling of the Japanese people in regard to it is in my judgment real and deep."¹⁴⁴

Although one can only surmise why Uchida did not follow the proper diplomatic channel in notifying Washington first, it is clear that Uchida felt nothing was remiss with his actions. In a telegram instructing the Japanese Ambassador Kijuro Shidehara to lodge a formal protest to State Department, Uchida casually mentions at the end of the telegram that he had already discussed the matter with Ambassador Morris.¹⁴⁵ The existing diplomatic records do not reveal whether or not Uchida had any intention of using the issue to strengthen the Japanese position in the consortium negotiations. However, it appears that this is highly unlikely considering that Uchida instructed Shidehara to raise the issue with the State Department only a few days after his meeting with Morris.

It should also be noted that there was considerable confusion in the State Department at this time. After Robert Lansing's abrupt resignation as Secretary of State on February 12, 1920, Frank L. Polk had replaced Lansing's position in the interim. However, as this was only permitted for thirty days, after this period had expired a mini-crisis ensued in which the United States government had no diplomatic representative in Washington. Therefore, Shidehara could only meet with Breckinridge Long — the State Department official in charge of the immigration question — until a new Secretary of State had been appointed. This situation lasted until March 23, when Bainbridge Colby was finally given Congressional approval to become the next Secretary of State.

In the Japanese protest to the State Department, Shidehara wrote that "the invidious discrimination [in California]...cannot fail to create a very painful impression in Japan. Developments of the situation respecting this [initiative] movement are viewed by the Japanese government with deep concern."¹⁴⁶ With an official protest now lodged, the United States had to respond. Although Colby, in his first day as Secretary of State, was sure that the "reports of the agitation must have been exaggerated because any

143. Telegram, Ambassador Morris, to the Acting Secretary of State Long, March 16, 1920 (RG59/NACP): 811.5294/38.

144. *Ibid.*

145. Telegram, Minister of Foreign Affairs Uchida, to the Japanese Ambassador Shidehara, March 20, 1920. *NGB/T-9* 28-29.

146. Letter, Japanese Embassy to the Department of State, March 23, 1920 (RG59/NACP): 811.5294/40.

movement as intense and widespread ... would certainly have come to the attention of the [State] Department", nevertheless he promised Shidehara that he would investigate the situation further in order to ascertain the facts.¹⁴⁷

Although an investigation of the overall situation was requested to Naval Intelligence by the State Department on the following day, further action on the matter was not taken until May, when the president and vice-president of the San Francisco Chamber of Commerce came to Washington to warn of the impending danger that the initiative movement could create.¹⁴⁸ With this "first authentic information which had been received from any citizens of California," the State Department finally realized the seriousness of the situation.¹⁴⁹

Ambassador Morris was immediately recalled from his post in Tokyo to Washington in mid-May, and upon his arrival in June, he was given instructions by Colby "to proceed to California to confer personally and informally with citizens of that State with a view to ascertaining the facts underlying the Japanese agitation."¹⁵⁰ In July, Colby himself joined Morris in San Francisco to gain first hand knowledge of the situation.

On July 22, Morris met with Shidehara to discuss the tentative conclusion that he had reached after his trip to California. In Morris' view, the central cause of the agitation "was not primarily economic but ... the fear of the people of California that the presence of a large body of unassimilable people would threaten them with a serious and persistent race problem."¹⁵¹ Morris also informed Shidehara that he was certain that the initiative measure would pass since "there was practically an unanimous determination on the part of the people of California to prevent all Asiatic immigration to California."¹⁵² In the end Morris offered two solutions to handle the situation: "First, to cooperate sympathetically in any effort that might be made by Californians independently to test the validity of the 1913 legislation [of which the 1920 initiative was based on]," and "second, to begin

147. Telegram, Secretary of State Colby, to the American Embassy in Tokyo, March 25, 1920 (RG59/NACP): 811.5294/40. See also, "memorandum of conversation with the Japanese Ambassador," n.d. (RG59/NACP): 811.5294/41.

148. The final twenty-six page intelligence report can be found in, n.d. (RG59/NACP): 811.5294/1.

149. Letter, Ambassador Morris to the Secretary of State Colby, January 25, 1921, in *The Report of the Honorable Roland S. Morris on Japanese Immigration and Alleged Discriminatory Legislation Against Japanese Residents in the United States* (Washington, 1921): 1. [Hereafter cited as *Morris Report*.]

150. *Ibid.* It appears that John V. A. MacMurray was behind the decision to send Morris to California. MacMurray also suggests that Morris should confer with Shidehara upon his return to Washington. Although the existing diplomatic records that reveal MacMurray's involvement in the 1920 Land Law issue are sparse, as Chief of the Division of Far Eastern Affairs, it should be assumed that he played a major role in the formulation of policy over this issue. See memorandum by MacMurray, n.d. [from the content, presumably sometime during the latter half of May 1920] (RG59/NACP): 811.5294/267.

151. Memorandum of conversation between Ambassador Morris and Ambassador Shidehara, July 22, 1920, *Morris Report* 26.

152. *Ibid.*

at once a discussion strengthening the 'Gentlemen's Agreement' [of 1908]."¹⁵³ It was Morris' sincere belief that the Gentleman's Agreement needed to be modified in such a way that it would lead to total exclusion of the Japanese. He felt that this was necessary so that in "the future, ... we would thus [be able to] establish the foundation of better treatment by Californians towards Japanese already here [in California]."¹⁵⁴ Shidehara agreed wholeheartedly to these suggestions by Morris, and thus a basic understanding of how to approach the immigration question was mutually agreed upon. It is from this meeting that the Morris-Shidehara Negotiations were initiated.¹⁵⁵

President Wilson, being informed of Shidehara's positive reaction to Morris proposals — the content of which he believed was "sound to the point of obviousness" — asked Colby on August 20, to formulate a future course of action that the Federal government should take based on the initial conversation between Shidehara and Morris.¹⁵⁶ Thus on August 26, Colby presented a formal outline to the President in which he stated that it was not possible for the Federal government to interfere in a "popular vote taken under an initiative as provided in the laws of the state."¹⁵⁷ This was in accordance with the views of both Wilson and Colby in regards to respecting states' rights.

Colby, however, was amenable to Morris' proposal of seeking a definite solution to the immigration question: "... I should be glad to direct Ambassador Morris to take up with him [Shidehara] informally but in detail possible modifications to the Gentlemen's Agreement which would render it more effective, and to confer with him further on any conclusions which after full and frank discussions he and Ambassador Morris might reach."¹⁵⁸

Colby conveyed these same words to Shidehara in a meeting two days later, and requested that the Ambassador seek permission from the Japanese government to that end.¹⁵⁹ Colby also made it clear to Shidehara that the "constitutional limitations ... made it inexpedient and impracticable for the Federal Government to interfere in the initiative legislation...."¹⁶⁰ Finally on September 6, Shidehara was given approval from Foreign Minister Uchida to proceed in the negotiations with Morris.¹⁶¹ The true intention of

153. *Ibid.*: 28.

154. *Ibid.*: 27.

155. In his memoirs, Shidehara writes that he had initiated the Morris-Shidehara Negotiations by initially proposing the idea to Colby. However, the diplomatic records do not support this contention. See Shidehara Kijuro, *Gaiko Gojunen* [Fifty Years of Diplomacy] (Tokyo, 1987): 37-38.

156. Memorandum, President Woodrow Wilson, to the Secretary of State Colby, August 20, 1920 (RG59/NACP): 811.5294: 92.

157. Letter, Secretary of State Colby to President Wilson, August 26, 1920 (RG59/NACP): 811.5294/104a.

158. *Ibid.*

159. Memorandum by the Secretary of State, August 28, 1920 (RG59/NACP): 811.5294/95.

160. *Ibid.*

161. Telegram, Foreign Minister Uchida to Ambassador Shidehara, September 6, 1920. NGB/T-9: 210-213. The State Department was notified of this fact on September 11.

Uchida, however, was that "whatever may be the final outcome of such discussion ... the Government of the United States [would] continue to use all legitimate means to prevent the enactment of the anti-Japanese measure now being sought in California...."¹⁶²

With this final approval, the Morris-Shidehara Negotiations began on September 15, continuing into the following year until the final meeting on January 24, 1921. In the twenty-four meetings that ensued, all facets of the immigration question between the United States and Japan were discussed.¹⁶³ When the initiative measure in California had passed in November, a sense of urgency befell both participants. Thus Morris and Shidehara were forced to reaffirm the importance of reaching a mutually acceptable agreement.

In the end, an amendment to the U.S.-Japan Commerce and Navigation Treaty of 1911 was proposed that would give reciprocal rights to "the exercise of industries, occupation, or other lawful pursuits, or with the regard to the acquisition, possession, enjoyment, disposition, transmission, or inheritance of any real or personal property, or any interest therein, other than public lands, either Federal or State."¹⁶⁴ This would effectively resolve the long-standing land problem in California, although it did not in any way guarantee the civil rights of the Japanese. In addition to the amendment, Shidehara also agreed to a unilateral measure to strengthen the existing Gentlemen's Agreement so that it would completely exclude the laboring class, including children and wives.

The significance of the Morris-Shidehara Negotiations was that it was the first and final attempt by both governments to satisfactorily settle the immigration question once and for all by getting at the root of the problem. However, Morris was quick in realizing that this was a virtually impossible task. It was clear to him that the amendment that he had proposed would at best, only serve to ameliorate the problem temporarily. In the final report submitted to Colby, Morris wrote the following:

In submitting the above treaty, I do so with great hesitancy. My investigations have convinced me personally that the only thoroughly satisfactory method to provide against discriminatory treatment of Japanese aliens would be by Congressional action granting peoples of all Yellow race the privilege of naturalization. I wish Congress might feel justified in taking such action. Its effect ... would be limited to one generation, and yet in doing so, we would totally change the existing spirit of irritation and resentment which now characterizes our contact with the Orient. We would

162. Letter, Japanese Embassy to the Department of State, "Substance of a Telegram From the Minister for Foreign Affairs, Tokyo, to the Japanese Ambassador, September 11, 1920 (RG59/NACP): 811.5294/93.

163. The content of each conference is contained in *Morris Report*: 29-63 and *NGB/T-9*: 207-383.

164. *Ibid.*: 62.

remove from the peoples of China and Japan the stigma that is placed upon them in thus removing the racial discrimination.... I recognize, however, that this is a question which properly belongs to the legislative department of our government, and I mention it merely to emphasize my belief that the Treaty as submitted is not a permanent or fundamental solution of the issue, although it will allay the present increasingly acute situation.¹⁶⁵

However, in the same report, Morris explicitly warned that "the Japanese government is most sensitive in the matter of racial discrimination. It would keenly resent the passage by our Congress of an exclusion law similar to the Chinese Exclusion Act [of 1882]." History shows that Morris was correct on both counts. The passage of the 1920 California Alien did not lead to a diplomatic crisis precisely because the negotiations were being held. On the other hand, however, Congress never ratified the proposed treaty amendment, nor did it ever discuss the possibility of giving Japanese the right to be naturalized.¹⁶⁶

Furthermore, Congress did what Morris had feared most. In 1924, in a most dramatic and decisive way, Congress — disregarding the wishes of the State Department — passed the Japanese Exclusion Act. Although this in effect ended the immigration question, it also left a permanent scar on U.S.-Japan relations. While it would be incorrect to reach the conclusion that this action by Congress led directly to the war in the Pacific, it was, however, a crucial turning point in the tangled course of events that eventually led to Pearl Harbor.

Therefore, the significance of the anti-Japanese movement in California was that it paved the path toward complete Japanese exclusion. With the passage of the 1920 California Alien Land Law — the final stage in the Japanese exclusion movement in California — the anti-Japanese movement had now grown to become a movement on the national level.

In an essay published in 1921, Shinpei Goto, former Japanese Minister of Foreign Affairs wrote, "some future historian will probably record the California agitation [towards the Japanese] as an unfortunate incident in the westward march of American civilization...."¹⁶⁷ Goto was only partially correct. The entire immigration question surrounding California was also an unfortunate incident in the macrocosm of U.S.-Japan relations. Therefore, it should also be the duty of the future historian to record the

165. *Ibid.*: 16.

166. For a discussion as to why Congress never agreed to the terms of the Morris-Shidehara arrangement, see Kell F. Mitchell, Jr., "Diplomacy and Prejudice: The Morris-Shidehara Negotiations, 1920-1921," *Pacific Historical Review* 39 (Feb., 1970): 100-104.

167. Shinpei Goto, "The Japanese Question in America," in K. K. Kawakami ed., *What Japan Thinks* (New York, 1921): 200.

significance of the immigration question within the context of the prewar diplomatic history between the United States and Japan.

*But there is neither East nor West, Border nor Breed, nor Birth,
When two strong men stand face to face, though they come from
the ends of the earth!*

Rudyard Kipling, "The Ballad of East and West".