

SANTA CLARA COUNTY
AND THE
ALIEN LAND INITIATIVE OF 1920

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Sharon E. Ray
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SANTA CLARA COUNTY
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ALIEN LAND INITIATIVE OF 1920

In 1919 California's anti-Japanese movement was revived. It was suspended temporarily during World War I because Japan fought on the side of the Allies. The renewed agitation became centered around an initiative to strengthen the Anti-Alien Land Law or Webb Act, passed in the California Legislature in 1913. The decision of the voters of the state was reflected in Santa Clara County where the initiative passed by a great majority in November of 1920.

The feeling against the Japanese expressed by farmers and merchants was due to the accumulation of land by Japanese laborers who were not content to remain in their unskilled positions. The total acreage under Japanese control in California increased from 194,799 acres in 1910 to 458,056 acres in 1920.¹

¹Statistical Report of the Japanese Association of America, 1920, and Japanese American Yearbooks, 1911, 1915 in Elliot G. Meares, Resident Orientals of the American Pacific Coast (Chicago: University of Chicago Press, 1928), Chart XIII, p. 256.

Labor leaders became alarmed over the increasing number of Japanese immigrants. Japanese population in California increased from 41,556 in 1910 to 71,952 in 1920.² Competition with American labor was inevitable since the immigrants accepted lower wages and worked longer hours than whites.

Under the Gentlemen's Agreement of 1907, Japan agreed to grant passports to the United States only to non-laborers. The Japanese government upheld the pact, but large numbers of immigrants continued coming to the United States since the agreement allowed wives and families of Japanese already in the United States to enter.³ Anti-Japanese agitators pointed to statistics showing the rising Japanese population as proof of the ineffectiveness of the Gentlemen's Agreement.

Labor leaders, land owners, and members of exclusion leagues specifically organized to end Japanese land control, gave support to anti-alien land laws introduced into the 1909, 1911, and 1913 sessions of the legislature. This activity in California reflected the agitation for immigration restriction in the national Congress at the same time.⁴

In California strong opposition to the legislation was expressed by the directors of the Panama Pacific Exposition

²U.S., Bureau of the Census, Fourteenth Census of the United States: 1920. Population, III, p. 106.

³E.G. Mears, p. 16.

⁴Eleanor Supper and George McRoyneolds, Japan in American Public Opinion (New York: Macmillan, 1937) p. 70.

who maintained that if anti-alien laws were passed, offended countries would withdraw from the Exposition and precipitate its failure. This opposition was successful in 1909 and 1911.

Franklin Hichborn, who summarized and reported the main events of the California Legislature from 1909 to 1922, said that the 1913 session of the legislature was tired of hearing of the possible failure of the Exposition. The congressmen more readily accepted the views of the "plain speaking farmers"⁵ who were hurt economically by the Japanese competition in production of goods. "The issue 'Shall California be white or yellow?' loomed larger than 'Shall the Exposition be universal or merely local?'"⁶

In 1913 the main anti-alien land bills discussed in the legislature specifically discriminated against the Japanese by including clauses which directed against the acquisition of land by aliens ineligible for citizenship. The requirements for citizenship eligibility were established by the United States Constitution and naturalization laws of Congress. The Fourteenth Amendment guarantees citizenship to all persons born or naturalized in the United States. The first naturalization law, enacted in 1790, stated that free white persons were eligible to become citizens. In 1870 a second law was

⁵Franklin Hichborn, Story of the Session of the California Legislature of 1913. (San Francisco: James Barry Press, 1914), p. 226.

⁶Hichborn, p. 230.

passed to include aliens of African descent or nativity. Oriental aliens were not mentioned in either act.⁷

Under their reserved powers, states may classify people in any type of group. California classified aliens as those eligible or ineligible for citizenship. The Japanese were among the latter group.

President Wilson disapproved of the discriminatory bills in the California Legislature in 1913 and contacted Governor Hiram Johnson to remind him of the embarrassment of the federal government which might result from offending the Japanese. Wilson also sent Secretary of State Bryan to Sacramento to speak to the legislature regarding the pending bills. Bryan urged the members to postpone their action, or to defeat the bills which distinguished between aliens eligible or ineligible for citizenship.

While Bryan was in Sacramento, legislative committees deliberated the Heney-Webb bill which was passed soon after the Secretary of State returned to Washington. The new law provided that aliens ineligible for United States citizenship could not buy land in California, or lease land for more than a three year period. No corporations with a majority of Oriental stockholders could buy land.

The Japanese sent a formal protest to Washington as soon as the act was passed and the development of a war scare was

⁷E.G. Mears, p. 99.

expressed by national newspapers.⁸ However, Japan took part in the Panama Pacific Exposition in 1915 and served with the Allies in World War I.

Due to methods of evasion, the law did not check the increase in Japanese control of land in California.⁹ Japanese put land holdings in the names of children born in the United States who were citizens according to the Constitution. A case in the Santa Clara County Superior Court revealed that Mr. C. Kamagai's two children, aged twelve and eight years, owned thirty acres of land near Palo Alto. Mr. Kamagai had planted pears, tomatoes, and berries on the land and was earning approximately one thousand dollars a year. The court appointed him guardian of the estate.¹⁰

Another way to avoid the law was to form a corporation in which fifty-one per cent of the stock was issued to an American citizen who acted as trustee. The corporation's land was actually owned and operated by Japanese.

Instead of declining, Japanese land control increased from 300,474 acres in 1914 to 458,056 acres in 1920.¹¹

⁸E. Tupper and G. McReynolds, pp. 63-65.

⁹E. Tupper and G. McReynolds, p. 173.

¹⁰Consulate General of Japan, San Francisco. Documental History of Law Cases Affecting Japanese in the United States, 1916-1924. II (San Francisco: Consulate General of Japan, 1925), p. 913.

¹¹E.G. Mears, p. 256.

An amendment making the land law more stringent by prohibiting leases was introduced but died in the 1915 legislature.

When the war was over, anti-Oriental movements began anew. On April 1, 1919 Senator Inman of Sacramento introduced an act to amend the 1913 law but the Rules Committee felt that the introduction of such a bill was inadvisable at the time due to the peace conference in Paris. The reply to a telegram sent to Secretary of State Lansing confirmed this view.¹² The matter was postponed.

In November of that year, Governor Stephens called a special session of the California Legislature to ratify the Nineteenth Amendment. At this session Senator Inman proposed a resolution that the Governor call another special session to legislate on alien land ownership. The Senate and Assembly in a concurrent resolution urged that all Californians refrain from selling or leasing land to aliens ineligible for citizenship or to corporations controlled by these aliens.¹³

Inaction of the legislature during these sessions resulted as the party in control was opposed to a candidate seeking re-election and refused to pass anti-Japanese laws lest he be given credit for them.¹⁴

¹² California, Journal of the Senate, 43rd Session, 1919, p. 1277.

¹³ California, Statutes of California, Resolutions Adopted at the Extra Session of the 43rd Legislature, 1919, Resolutions Submitted to Vote of Electors, 1920, p. 1xxvii.

¹⁴ Payson J. Frost, Japan and the United States (Stanford: Stanford University Press, 1925), p. 266. and E. Tupper and G. McReynolds, p. 171.

Realizing that nothing would be accomplished by the legislature, Senator Inman, V.S. McClatchy (editor of the San Francisco Red), Fred Bebergall (Secretary of the American Legion in California), and other leaders of the anti-Japanese groups met early in 1920 and prepared proposals for an initiative to be placed on the November 1920 ballot. The measure was to amend the 1913 act to prohibit Orientals from leasing land, from owning stock in corporations which held land, and from being appointed guardians of a minor's estate if the estate consisted of land.

The San Jose Mercury-Herald reported that the Governor was waiting until the peace treaty was signed and until he had more information on the Japanese problem before allowing any legislation on it.¹⁵ He authorized the California State Board of Control to make a study of the situation. The result was published in June of 1920 and greatly influenced the passage of the initiative.

A copy of the report and a letter from Governor Stephens was sent to Secretary of State Bainbridge Colby. In the letter which became as well known as the report, the Governor presented the case of the people of California against the Orientals in order to make Colby aware of the necessity of federal governmental action in attaining a permanent solution to the problem.

¹⁵"Governor to Call Special Session," San Jose Mercury-Herald, KCVIII (February 12, 1920), p. 2. (This newspaper will appear in future footnotes abbreviated as SJH).

The Governor stated that Californians did not feel racially superior to the Japanese and admired the accomplishments of the latter. However, the Californians wished to preserve the state for their own people and only problems could develop from immigration and settlement of the uns assimilable Japanese. He stated that the initiative act was to be the end of state action. He felt certain it would be passed to serve as a plea to other citizens to sympathize actively with the California problem.¹⁶

The report, titled California and the Oriental, emphasized the Japanese situation, but also discussed the Chinese and "Hindus." The latter classification included Sikhs and Mohammedans as well as Hindus.¹⁷ Topics included population, birth rate, land control, crops, labor, picture brides, the Gentlemen's Agreement, smuggling, and citizenship. Population figures were obtained from the birth, death, and immigration records for the years 1909 to 1919. The State Board of Control subtracted emigration from immigration figures to arrive at the number of permanent Japanese immigrants that entered California from 1909 to 1919. Figures directly obtained from the records were only those of April 15 to June 30, 1910 and July 1, to December 31, 1919. From these

¹⁶California. State Board of Control, California and the Oriental, 1920, p. 7-15.

¹⁷California. State Board of Control, p. 103.

figures, "an approximation was made"¹⁸ of the total for the entire years between 1909 to 1919. According to the report 25,592 Japanese immigrants became permanent California residents between 1910 and 1919.¹⁹ Payson J. Treat, Professor of History at Stanford, and author of Japan and the United States, 1853-1921, states that 10,968 Japanese became permanent residents between 1908 and 1919.²⁰

The information on the birth rates of Japanese immigrants stressed that these rates were considerably higher than those of white Americans. The authors ignored the fact that the birth rate of the Japanese would decline in the future.²¹

The report gives Japanese population in California in 1919 as 87,279, an increase of 111 per cent for a ten year period.²² This figure is higher than that of the Japanese Association of America (78,628),²³ and the United States Census Bureau (71,952).²⁴

The report also pointed out that land occupation by the Japanese increased 412.9 per cent in ten years. Even though

¹⁸California. State Board of Control, p. 25.

¹⁹California. State Board of Control, p. 29.

²⁰Payson J. Treat, p. 282.

²¹E.G. Mears, p. 283.

²²California. State Board of Control, p. 25.

²³California. State Board of Control, p. 27.

²⁴Fourteenth Census of the United States: 1920, Population, III. p. 106.

the farm land controlled by the Japanese was a small proportion of the total, the use of the large percentages in both population and land statistics indicated to the reader that the Japanese were swarming into California, gaining control of the best lands and were planning to subjugate the white race.

The Mercury-Herald reported the effect of the report on public opinion and stated that Stephen's letter added impetus to the program of obtaining signatures for the initiative petition. Many who were indifferent changed their attitude after reading the letter and report.²⁵

The Governor received editorial support from the Mercury-Herald in a statement that Japanese had violated the Gentlemen's Agreement and the United States Government had the right to distinguish between favorable and unfavorable immigration.²⁶

Later in the year the editor printed excerpts from articles which appeared in newspapers around the nation showing support for the Governor's pleas.²⁷

In the summer of 1920 the House Committee on Immigration and Naturalization visited the Pacific Coast to gather information on the Japanese situation as a basis for federal laws of

²⁵"Public Arroused by Japanese Letter," SMH, XXVIX (July 1, 1920), p. 9.

²⁶"The Japanese Situation," SMH, XXVIX (June 23, 1920), p. 6.

²⁷"Japan in California," SMH, XXVIX (August 13, 1920), p. 6.

restriction.

Two and one-half testimonies heard by the Committee included those of Senator Phelan, V.C. McClatchy, George Shima (the Japanese "Potato King," who owned 2000 acres of potato farms in California), and Ke Suzuki (President of the Japanese Association of Stockton). The Mercury-Herald gave a daily report of the meetings and editorially stated that the federal government would now be aware of the situation in California and would either pass the needed legislation or be more understanding and sympathetic to state legislation of the matter. Trade with Japan was essential stated the editor, but it would be better to do without it than to have "tens of thousands"²⁸ of Orientals acquire property and threaten the existence of our own people.

Later the editor expressed disappointment in the committee as it did not make clear its impressions or the probable outcome of its work in regard to federal action. The editor felt that all Japanese were unassimilable and should be excluded.²⁹

The concentration of Japanese in Santa Clara County was not as great as in the Stockton or Imperial Valley areas, but was sufficient to warrant agitation in accord with the statewide movement. Statistics of population and land control follow.

²⁸"The Japanese Menace," SMH, KCVIA (July 12, 1920), p. 6.

²⁹"Hastaken Americanization Idea," SMH, KCVIA (July 27, 1920), p. 6.

TABLE 1

BREAKDOWN OF POPULATION IN SANTA CLARA COUNTY IN 1910 AND 1920			
	1910	1920	Change
³⁰ Total Population	83,539	100,676	17,133 increase
³¹ Total Japanese Population	2,299	2,981	682 increase
³² Japanese in the city of San Jose	345	321	24 decrease

All figures except those under "change" were obtained from:
Fourteenth Census of the United States: 1920. Population, III.

³⁰ p. 116.

³¹ p. 109.

³² p. 110.

TABLE 2

LAND CONTROLLED BY JAPANESE IN SANTA CLARA COUNTY IN 1912 AND 1919		
Number of Farms Owned	Total Acres	Assessed Valuation
33 1912 4	90	\$15,365
34 1919 (No figures)	343	(No figures)
Town Lots Owned		
1912 1	3	\$4,750
1919 (No figures)		
Number of Leases		
1912 35	904	(No figures)
1919 (No figures)	4,284	(No figures)

³³California. State Board of Agriculture. Statistical Report for 1918. p. 40. In Appendix to Journals of the Senate and Assembly, 44th Sess., 1920, v. 4.

³⁴California. State Board of Control, p. 48.

It is difficult to check the figures for 1919 given by the State Board of Control since in 1920 the United States Census Bureau classified Japanese, Negroes and Mexicans in one group of "non-whites."

The Mercury-Herald reported land purchases by the Japanese in the county in 1919 and 1920. In December 1919, the Herry Farm Company which raised fruits and vegetables near Mountain View, filed for incorporation with the Superior Court. Three Japanese directors were named and the capital stock was listed at \$10,000.³⁵

The Santa Clara Produce Canning Company and the California Commercial Corporation filed for incorporation in October of 1920. The boards of directors of both were composed of Japanese. The Canning Company had capital stock worth \$200,000. The California Commercial Corporation held capital stock worth \$10,000.³⁶

A letter to the newspaper from Mr. Earl Hansen reported that three acres of vacant school land in Sunnyvale was leased to Japanese farmers at \$40 a year. Hansen also stated that land across from the school was sold to Japanese.³⁷

³⁵"Japanese Incorporate for Farming Business," SJMH, XCVII (December 30, 1919), p. 9.

³⁶"Japanese Canneries Meet Opposition from Legion," SJMH, XCVII (October 15, 1920), p. 2.

³⁷Letter from Earl T. Hansen, SJMH, XCVIII (January 31, 1920), p. 6.

In Palo Alto when a Japanese bought Larkin's Restaurant, a haunt of Stanford men, the Mercury-Herald stated that the college crowd would change restaurants. In this instance the reporter was not so concerned about Japanese gaining a foothold in the community as he was about the new owner's decision to replace the old tables of the restaurant which had the carved initials of Charlie Field and Herbert Hoover.³⁸

One article stated that in other parts of California, Japanese were hurriedly purchasing land before any new prohibitive legislation was put on the statute books.³⁹

Senator James D. Phelan, V.S. McClatchy, State Treasurer J.S. Chambers, Representative Everis Hayes, and Samuel Shortridge, candidate for United States Senator gave speeches in San Jose which kept public attention on the Japanese and the initiative measure.

Senator Phelan was actively campaigning for restrictive immigration legislation on a national level and kept close contact with the California movements in this direction. The Mercury-Herald editorially approved of Phelan's legislative attempts.⁴⁰

³⁸"Jap Gets Restaurant," SJM, XCVIII (January 31, 1920), p. 6.

³⁹"Japs Hurriedly Buying State's Farming Land," SJM, XCVII (May 7, 1920), p. 9.

⁴⁰"The Pending Japanese Bills," SJM, XCVIII (June 11, 1920), p. 6.

Phelan feared that the Japanese in California would overwhelm the whites by numbers due to the higher birth rate of the former. His ideal was to save the land of California for the white race. He objected strongly to the picture bride practice as it led to population increase.

In September of 1920, Phelan spoke in San Jose urging the passing of the initiative and general exclusion laws to prevent Japanese domination of the soil and eventual political control.⁴¹

V.S. McClatchy echoed Phelan's comments in statements to the press. "The White Race is helpless against the economic competition and high birth rate and unassimilable character of the Japanese . . ."⁴²

The failure of the Japanese to assimilate easily was a point often used against them. Phelan, McClatchy, and Governor Stephens argued that the Japanese culture, standard of living, and dual citizenship made it impossible for them to become Americanized.

McClatchy proposed six remedies to the Japanese problem. These were: cancellation of the Gentlemen's Agreement; exclusion of Picture Brides; rigorous exclusion of Japanese as immigrants; confirmation and legalization of the policy that

⁴¹"Japanese Exclusion Is Urged by Senator Phelan," SEMI, XCVIX (September 16, 1920), p. 7.

⁴²"Japanese Birth Rate Makes Dominance Sure," SEMI, XCVII (August 29, 1919), p. 20.

Asiatics shall be forever barred from American citizenship; amendment of Article XIV, Section 1 of the Constitution providing that no child born in the United States of foreign parents shall be considered an American citizen unless both parents are of a race that is eligible for citizenship; provide necessary labor to develop the land by bringing in Chinese for a fixed term of years, confining them to specific jobs and localities and returning them to China when there is no longer a need for them.⁴³

The first five points were adopted by the Native Sons of the Golden West and the American Legion. Secretary of State Frank Jordan strongly approved of the last proposal to bring in Chinese to replace Japanese laborers. The editor of the Mercury-Herald and spokesman of the Grange stated that this would be a form of slave labor and would result in a new race problem.⁴⁴

State Treasurer J.B. Chambers said the Japanese were different in color, tongue, ideals, and instincts and could never be assimilated. In his statement to the Mercury-Herald urging passage of the initiative, he defined the issue as, "Who shall control California, the whites or the Japanese?"⁴⁵

⁴³"Japanese Birthrate Makes Dominance Sure," SMH, XCVII (August 29, 1919), p. 20.

⁴⁴"Secretary Jordan and Chinese Immigration," SMH, XCVII (December 25, 1919), p. 6.

⁴⁵"Save California From the Alien Grasp," SMH, XCVIX (October 19, 1920), p. 6.

Everia A. Hayes, who represented Santa Clara County in the state legislature from 1905 to 1919 and was a member of the Committee of Immigration and Naturalization, defined his position on the Japanese before the Rotary Club in January, 1920. His statements on the unassailable nature of the Japanese and the danger of their increasing numbers brought rounds of applause from the audience.⁴⁶ The Mercury-Herald editor said that Hayes' speech should be "printed and broadcasted so that every school boy and girl particularly on the Pacific Coast would understand as they develop into manhood and womanhood the gravity of this menace."⁴⁷

Samuel Shortridge, the Republican candidate for United States Senate, a native of San Jose, eloquently stated in a campaign speech that it was "better if the waves of the ocean should sweep through the Golden Gate and swallow up the Santa Clara Valley and every other valley, rather than that Japanese immigration should be allowed to overthrow the state of California."⁴⁸

Even though well known individuals shaped public opinion with their speeches and statements, most private citizens contacted anti-Japanese feelings through membership in organizations

⁴⁶"Immigration is Vital Question for U.S., E.A. Hayes States in Rotary Address," SJMH, XCVIII (January 8, 1920), p. 1.

⁴⁷"Mr. Hayes Discusses Japanese Menace," SJMH, XCVIII (January 8, 1920), p. 6.

⁴⁸"Jap Menace Upon United States," SJMH, XCVIK (August 12, 1920), p. 11.

which adopted anti-Oriental resolutions in 1919 and 1920.

The Native Sons of the Golden West after a convention in September, 1919 announced the plan for communicating with all "parlours" to urge them to work for restriction in Asiatic immigration.⁴⁹ In response to this action, the Santa Clara parlour adopted a resolution to urge Senators Phelan and Johnson and Representative Merriam to obtain legislation on the familiar five points first expressed by V.S. McClatchy which were; cancellation of the Gentlemen's Agreement, exclusion of Picture Brides, exclusion of Japanese immigrants, to forever bar Asiatics from American citizenship, and to exclude those children from citizenship whose parents were ineligible to become citizens.⁵⁰

The following April, the Mercury-Herald reported that the Native Sons and Daughters of the Golden West held an executive meeting in San Francisco to plan and organize an effort to further the passing of the initiative measure.⁵¹ At the Grand Parlour meeting later in the month, two resolutions reported to the convention were against citizenship and land ownership by the Japanese.⁵²

⁴⁹"Native Son Lodge Opposes Japanese," SJNH, XCVII (September 18, 1919), p. 9.

⁵⁰"Santa Clara Chamber of Commerce Campaign," SJNH, XCVII (October 25, 1919), p. 9.

⁵¹"Campaign on Japs Owning Land Plan," SJNH, XCVIII (April 5, 1920), p. 9.

⁵²"Native Sons of the Golden West Elect Chiefs for Year," SJNH, XCVIII (April 24, 1920), p. 9.

The California Auto Trades Association met in San Jose in September, 1919 and adopted resolutions against the Jap-
anese.⁵³ In October, 1919 the California State Federation
of Labor demanded abrogation of the Gentlemen's Agreement and
exclusion of Asiatics.⁵⁴

Farmers' groups expressing anti-Japanese sentiments were
the Farmers, Educators and Cooperative Union of Santa Clara
County which endorsed the Asiatic Exclusion League⁵⁵ and the
Santa Clara unit of the Farm Owners and Operators Mutual Assoc-
iation which voted to agitate for legislative acts to prevent
Japanese immigration.⁵⁶ The local Grange also opposed Jap-
anese immigration.⁵⁷

On a state level, the California Oriental Exclusion League
was one of the most powerful anti-Japanese organizations in
operation. Officials of the League planned to establish a
branch in San Jose and in March, 1920, met there with repre-
sentatives of the Palo Alto, Sunnyvale, and San Jose Chambers
of Commerce, the Farmers Educators and Cooperative Union, the

⁵³"No More Picture Brides is Demand of Automobile Men,"
SJWH, XCVII (September 21, 1919), p. 11.

⁵⁴"Officers Chosen at Labor Meeting," SJWH, XCVII
(October 10, 1919), p. 1.

⁵⁵"Asiatic League is Assured Support," SJWH, XCVII
(October 26, 1919), p. 13.

⁵⁶"Jap Protest Made, Farmer Meeting," SJWH, XCVIII
(January 25, 1920), p. 1.

⁵⁷"Jap Invasion Opposed by Grange," SJWH, XCVIX (Octo-
ber 22, 1920), p. 3.

American Legion, and the county representatives in the state legislature.

The convolve opened on March 6 with a speech by Senator Inman outlining the objectives of the League which included McClatchy's five points, and warned of the Japanese efforts to block legislation. Specifically he mentioned the \$100,000 that Japanese organizations had raised to be used in the campaign. Representative T.M. Wright said that public sentiment should be aroused to counteract this. V.S. McClatchy reminded everyone of the seriousness of the situation in which the Japanese might someday control the country economically and by sheer numbers.⁵⁸

On March 12, the Santa Clara County branch of the California Exclusion League was formed. Mr. Fred Willard of Los Gatos was elected president of the organization. He was also a member of the Executive Committee of the state League.⁵⁹

The American Legion was very active in opposing the Japanese. The San Jose Post, organized in October, 1919, sent delegates to a state convention where Mr. Archer Bowden, chairman of the San Jose Post, introduced a resolution demanding that no Japanese or others ineligible for citizenship in the United States be permitted to own land in the United States,

⁵⁸"Japs Raise Lobby War Chest," SJMH, XCVIII (March 7, 1920), p. 1.

⁵⁹"Exclusion League Branch Is Formed," SJMH, XCVIII (March 12, 1920), p. 1.

and that no more Japanese be allowed to enter the United States. The resolution included the provision that all foreigners be deported within a year unless they declared intentions of becoming American citizens.⁶⁰

At the national convention in November, a resolution was adopted demanding an amendment to the Constitution barring American children of Orientals from citizenship.⁶¹

After the convention, the local Legions increased their anti-Japanese policies. The Palo Alto Legion vowed to fight further increases in land holdings of the Japanese. Besides urging legislation to this effect, the members agreed to list the names of any persons who sold or leased land to Japanese and place this list in a prominent place for the community to see.⁶²

The Fremont Post had adopted this same resolution and in October, 1920, had the opportunity to follow through. Mr. F.G. Thiele was accused of leasing property to Mr. George Asher, a Japanese. The property leased was a former tailor's shop and the Legion said Thiele could have leased it to others but instead made the agreement with Asher.⁶³

⁶⁰"Jap Exclusion Legion Demand," SJMH, XCVII (October 9, 1919), p. 2.

⁶¹"D'Olier Elected Legion Chieftain," SJMH, XCVII (November 13, 1919), pp. 1, 5.

⁶²"Palo Alto Legion Takes Strong Stand," SJMH, XCVIII (February 13, 1920), p. 2.

⁶³"Protest Japanese League," SJMH, XCVIX (November 1, 1920), p. 5.

The Los Gatos legionnaires agreed to donate two dollars and fifty cents a month for six months to the California Oriental Exclusion League. Stated the members, "Our strong stand against Asiatic ownership or control of land is backed up by our convictions as well as our pocket books."⁶⁴

The antagonism was mutual between the Japanese and the Legion. A statement reprinted in the Mercury-Herald from the Sacramento Bee revealed that the Japanese regarded the Legion as an "irresponsible uncivilized body,"⁶⁵ and its opposition to civil rights for the Japanese was considered illegal.

At the state convention in late August 1920, the Oriental Exclusion Committee of the local Legion presented a plan which called for the formation of a permanent statewide committee of five to conduct a national education campaign in support of an amendment to the constitution prohibiting the granting of citizenship to children born in the United States of Oriental parents and to seek state legislative action to prevent land holding in California by Japanese. Communications explaining the plan were mailed to 236 other American Legion Posts in California. The convention then adopted a resolution calling for the appointment of local committees to urge passage of the alien land initiative.⁶⁶

⁶⁴"Los Gatos Men to Have Supper," SJNH, XCVIX (August 15, 1920), p. 1.

⁶⁵"Japanese Condemn the American Legion," SJNH, XCVIX (October 30, 1920), p. 11.

⁶⁶"Exclude Japs is Demand of Legion," SJNH, XCVIX (August 26, 1920), p. 8.

The convention also recommended the organization of county committees for better communication and exchanging of ideas among the Legion Posts. The Santa Clara County Committee met in October. John Lynch, representative of the San Jose Post, called attention to a nationwide propaganda campaign of the Japanese. The committee decided to conduct a publicity campaign through the American Legion Weekly by articles dealing with the Japanese in the State. A Santa Clara County anti-Japanese Exclusion Committee of the American Legion was appointed with John Lynch as chairman.⁶⁷

In the November 5, and November 12, 1920 issues of the American Legion Weekly, articles by V.S. McClatchy appeared advocating the five points and asserting that the Japanese problem was national, not just local.⁶⁸

On election day, November 2, 1920, the Legion had a statement urging a yes vote on the initiative printed in the Mercury-Herald.⁶⁹

Many accounts were seen in the newspaper concerning Japanese plans to challenge the initiative, if it passed, by presenting the matter to the Supreme Court.⁷⁰

⁶⁷"County and Congressional District Legion Meeting," BJNH, XCVIX (October 16, 1920), p. 16.

⁶⁸V.S. McClatchy, "What About Japanese Immigration?" American Legion Weekly, V. 2 (November 5, 1920), pp. 9-10. and V. 2 (November 12, 1920), pp. 7-8.

⁶⁹"Vote Yes on Amendment One," BJNH, XCVIX (November 2, 1920), p. 13.

⁷⁰"Japan Will File Protest in Washington," BJNH, XCVIX (November 6, 1920), p. 1.

Secretary of State Colby met with the Japanese Ambassador to discuss the situation. The general policy of the United States government was to assure the Japanese that their rights would be protected and that the opinion in California did not necessarily reflect that of the entire nation.⁷¹

Organizations supporting the Japanese against the initiative did not make news in the Mercury-Herald until a few days before the election. On October 28, and November 1, the American Committee of Justice issued a statement pleading for a vote of no on the initiative. Members of this group included: Payson J. Treat; David Starr Jordan, Chancellor Emeritus of Stanford; Lyman Gage, former State Secretary of the Treasury; Leroy Wright, State Senator; Mrs. C. E. Cumberson, Chairman of the International Relations Committee of the California Federation of Women's Clubs; and John P. Irish, a well known supporter of the Japanese cause. One local member was listed, Mr. George Turner of Los Gatos.

Excerpts from the statement summarize the arguments of those opposing the initiative. The article included the following points:

(1) On your November Ballot is an unjust law. It is Initiative No. 1, known as the Alien Land law.

(2) The State Board of Control reports that Japanese

⁷¹"Assurance Given to Japs," SMITH, XCIV (November 2, 1920), p. 1.

cultivated 455,056 acres last year. California has an area of 99,617,250 acres of which about 25,000,000 is farm land. On this vast farm land only 1.5 percent is cultivated by the Japanese. Upon this 1.5 per cent they produce thirteen per cent of California's food output.

(3) Their produce is valued at \$67,000,000 of which thirty-five percent is paid land owners as rentals and forty-five per cent to labor as wages. The balance twenty percent is the reward for the Japanese tenants and contractors.

(4) The Japanese have taken up much of the worst land and made it fertile, thus helping to reduce the cost of food for the city worker.

(5) With effective restriction of Japanese immigration now being considered at Washington, there need be no fear that the small Japanese population now here will ever become a dominating element.

(6) The present Japanese population is only 2.2 per cent of the total. The highest Japanese birth rate is only 7.4 per cent of the whole as against 90.3 per cent of American births.

(7) Within a few years, Japanese births will become even less, because (a) immigrants irrespective of race, have fewer children after the first generation (b) the average age of Japanese male adults now is about 40 (c) abolition of "picture marriages" will make it more difficult for the Japanese to marry (d) the arrivals of Japanese will decrease as the result of present diplomatic relations.

(C) The Japanese have long ceased to compete with American labor, but this initiative, if passed, will drive them from the farm and compel them to compete with American labor in the cities, seriously cutting food production.⁷²

Eighteen members of the Stanford faculty sent a signed article to the Mercury-Herald showing opposition to the initiative.⁷³ Among them were Payson J. Treat and David Starr Jordan who were also members of the American Committee of Justice.

The attempts of the American Committee of Justice and the Stanford professors could not compete with the campaign of Senator Phelan, V.S. McClatchy, State Treasurer Chambers, the Native Sons, the California Oriental Exclusion League, the American Legion, and numerous other organizations. The people of California voted 668,483 to 222,036 in favor of the initiative.⁷⁴ In Santa Clara County the vote was 18,635 to 7,862 in favor of the measure.⁷⁵

The new Alien Land Law now prohibited aliens ineligible for citizenship from purchasing or leasing land, from owning

⁷²"Statement by the American Committee of Justice," SJWH, XCVIX (October 28, 1920), p. 18.

⁷³"Faculty of Stanford Against Amendment," SJWH, XCVIX (November 2, 1920), p. 11.

⁷⁴Payson J. Treat, p. 283.

⁷⁵"Free Given 6,874 Less This County," SJWH, XCVIX (November 4, 1920), p. 1, 2.

stock in a corporation that held agricultural land, and from being appointed guardian of their children's estate if that estate included land. Those who were guardians had to submit detailed reports annually to the Secretary of State. Public administrators or other competent people could be appointed guardians of the Japanese minors. All lands illegally acquired or leased were to escheat to the state.⁷⁶

The terms of the law classified persons on the basis of eligibility for citizenship, but in fact they were classified on the basis of race or nationality. The law was declared unconstitutional by the Supreme Court of California in 1952, because it was "obviously designed and administered as an instrument for effectuating racial discrimination."⁷⁷

The role of Santa Clara County in approving the Anti-Alien Land Law merely reflected the prevailing attitude of the majority of California voters who reacted against an imagined threat of Japanese subjugation of the white race.

⁷⁶California. Statutes of California, Resolutions Adopted at the Extra Session of the 45th Legislature, 1919, Measures Submitted to Vote of Electors, 1920, p. lxxxii.

⁷⁷Isai Fuji v. State of California. 38 California 2d. 718 (1952).

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