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JAPANESE IMMIGRATION LEGISLATION

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HEARINGS

BEFORE THE

COMMITTEE ON IMMIGRATION

Congress.

UNITED STATES SENATE

SIXTY-EIGHTH CONGRESS

FIRST SESSION

ON

S. 2576

A BILL TO LIMIT THE IMMIGRATION OF ALIENS
INTO THE UNITED STATES, AND
FOR OTHER PURPOSES

MARCH 11, 12, 13, AND 15, 1924

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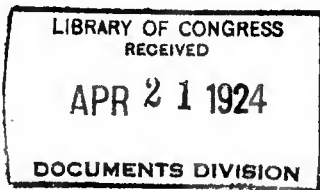
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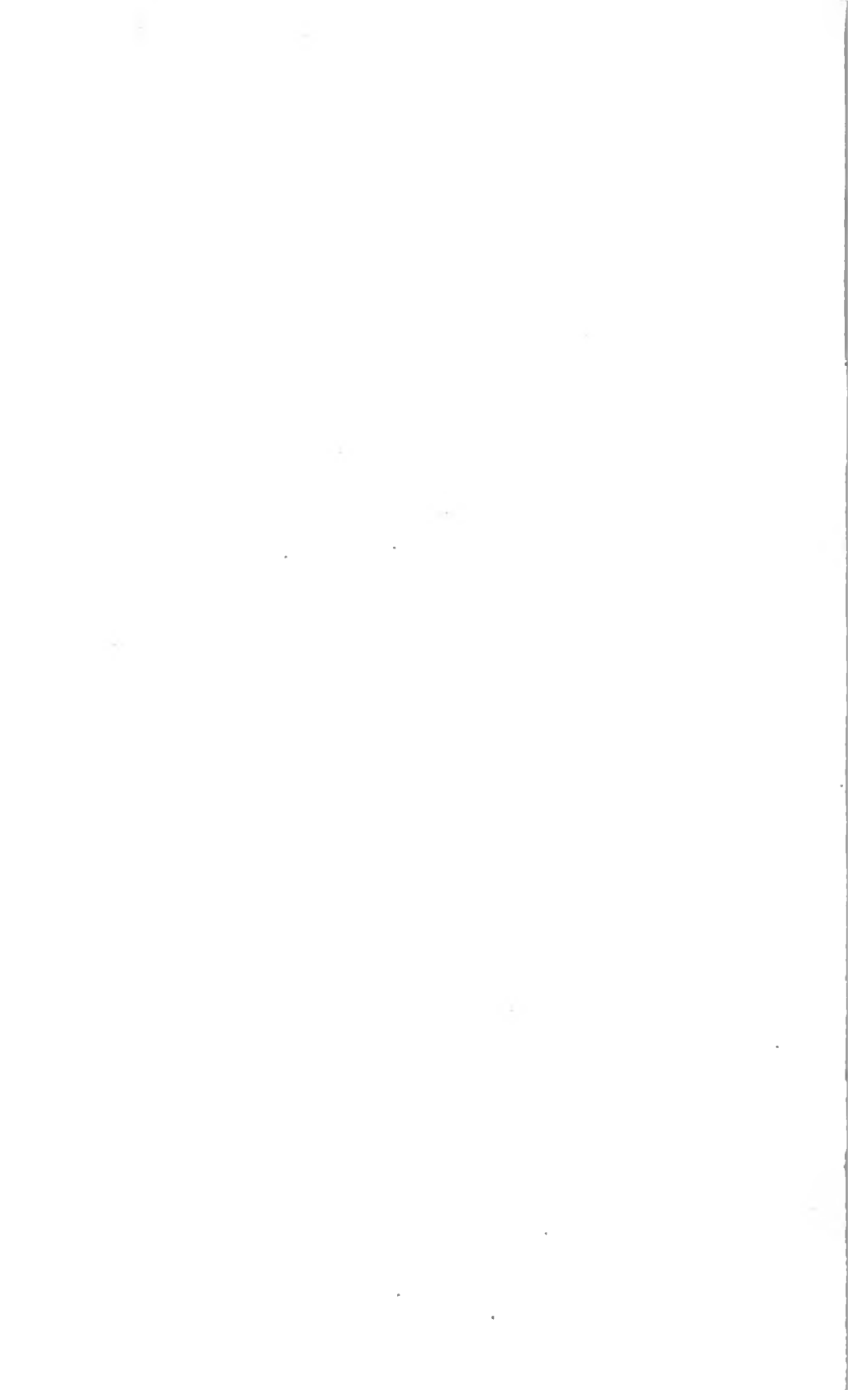


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JAPANESE IMMIGRATION LEGISLATION

TUESDAY, MARCH 11, 1924

UNITED STATES SENATE,
COMMITTEE ON IMMIGRATION,
Washington, D. C.

The committee being in session pursuant to previous adjournment, proceeded to take up the Japanese immigration phase of the pending bill.

Present: Senators Colt (chairman), Keyes, Willis, Reed of Pennsylvania, King, Harris, Harrison, and Copeland.

The CHAIRMAN. Senator Shortridge, we are ready to hear from you now. I might say, for the information of the committee, that I have a telegram from Senator Johnson, as follows:

BEACH, N. DAK.

HON. LEBARON COLT,

Senate Office Building, Washington, D. C.:

Please record my vote on that portion of the immigration bill concerning which the California delegation appears to-morrow in favor of the California position.

HIRAM W. JOHNSON.

STATEMENT OF HON. SAMUEL M. SHORTRIDGE, A UNITED STATES SENATOR FROM THE STATE OF CALIFORNIA.

Senator SHORTRIDGE. Mr. Chairman, I shall detain you but for a moment. The provision of this bill in which we are directly and profoundly interested, and to which we wish to direct your attention, is that provision which would exclude aliens ineligible to citizenship. The provisions of the Johnson bill in reference to the admission or nonadmission of persons ineligible to citizenship are as follows:

No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a nonquota immigrant under the provisions of subdivision (b), (d), or (g) of section 4, or (2) is the wife, or the unmarried child under 18 years of age, of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3.

The subdivision referred to which clarify that subdivision are as follows:

(b) An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad;

* * * * *

(d) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of,

carrying on the vocation of minister of any religious denominations, or professor of a college, academy, seminary, or university;

* * * * *

(g) An immigrant who is a bona fide student over 18 years of age, and who seeks to enter the United States solely for the purpose of study at an accredited college, academy, seminary, or university, particularly designated by him and approved by the Secretary.

I wish to add and to emphasize that those who are appearing before you, coming from California, are immediately concerned and very deeply concerned with these provisions in the proposed immigration bill. By your leave, Mr. Chairman, before we conclude, I would ask to file a brief statement of my own views. I now say that I fully, unreservedly, and unqualifiedly approve what shall be said by those who have journeyed all the way from California to be here to-day to present the mature, the deliberated, and the deliberate views of the vast majority of the people of my State, and I think, indeed I know, that they express the mature and deliberate views of the vast majority of people of what I may call the great Western States, the Pacific Coast States included, who have come into immediate contact with the problem before us, namely, that of contact with oriental immigration into our country.

I shall hereafter, I say, by your leave, express myself more fully. Immediately, however, I wish to ask you to hear Mr. V. S. McClatchy, of California, a gentleman who has devoted many years of earnest and intelligent study to this problem. I question whether there is another man in the United States more familiar with it. He comes here, as do these other gentlemen whom I shall name in a moment, representing not alone California, not alone what some might call a local question or local sentiment. They come representing not only that portion of our country to which I have alluded, but representing the declared attitude and the deliberate and fixed views of great national organizations.

The American Federation of Labor, which we all know is made up of membership from all the States, at its last convention held in Portland, Oreg., passed an appropriate resolution along the lines which I have indicated and in support of legislation contemplated by the provisions of the bill to which I am directing your attention.

The American Legion, made up of members from all the States of our Union, from each and every State of the Union and our Territories, at its national convention held in San Francisco adopted, I think unanimously, a like resolution.

The National Grange, as represented yonder in national convention, took the same position. And I scarcely need to add that the Native Sons of the Golden West, an organization of California, as also all our organized bodies in my State, have again and yet again, formally and knowingly, not in anger, not in hostility, but out of a great love for their State and our country, passed like resolutions.

Mr. McClatchy is here. Along with him is our attorney general, Mr. U. S. Webb, who has occupied the position of attorney general in our State for so long a time that the memory of man runneth not to the contrary.

Along with this gentleman comes one whom you all know and highly respect, my predecessor, former Senator James D. Phelan, of California. There is no one more familiar with this problem, no

one who has given more thought to it, and no one more able to present the views of my State and, may I say, your and my country. For they and I and all of us believe that in seeking to check the oriental immigration, seeking to check the immigration of those peoples, which make up practically one-half of the human race, who are ineligible to citizenship, who under our laws never can become citizens, that in opposing such immigration we are advancing and seeking to enforce a policy for the benefit of the Nation as a Nation.

Mr. McClatchy will, by your consent, speak on the facts of the problem. The attorney general will present certain observations touching the law as it bears upon the problem. Senator Phelan will, in turn, express himself touching the policy of the legislation which we favor.

I have the honor to introduce Mr. McClatchy, gentlemen.

STATEMENT OF MR. V. S. McCLATCHY, SACRAMENTO, CALIF.

Mr. McCLATCHY. Mr. Chairman, I trust you will not feel alarmed by the appearance of these references. I am going to confine myself to a brief outline with reference to data, etc., so as to conserve your time so far as possible. We appreciate very much the favor you have accorded us in giving us this hearing, we having come 3,000 miles for the purpose, and out of regard for the other duties which we know you have, we will be as brief as we may.

First, let me say that aside from the general interests which the gentlemen who came from California to-day represent, we have been asked specifically to present the views and the urge of four great California organizations; the American Legion, the American Federation of Labor, the Grange, and the Native Sons of the Golden West. I have here and will leave with you as exhibits their credentials, according us the right to speak for them with reference to the exclusion of aliens ineligible to citizenship; also the answers made by them to the foreign minister of Japan, and to Secretary Hughes of our State Department in the same matter. (Exhibits 1, 2, 3, 4, 5.)

That policy has been indorsed by the national conventions of three of those great organizations, and I will leave with you as exhibits the resolutions passed at the last annual conventions of the American Legion, the American Federation of Labor, and the National Grange—that has already been presented to you—urging upon Congress the immediate passage of a law which would exclude all aliens ineligible to citizenship. (Exhibits 6 and 7—the Grange resolution presented by Mr. Atkeson—also resolution California State Legislature. Exhibit 8—see statement of Senator S. M. Shortridge.)

Evidently then, this is not a political issue. You could not find in the United States or in the State of California any organizations which represent so many diverse points of view, which have so many different purposes, and so many different ideals. But on one thing they are American, thoroughly American; and they believe, beyond all, that if immigration is to be restricted in the interests of this country we should commence by excluding that element of immigration which, under our Federal laws, may never become American citizens, and is therefore hopelessly unassimilable.

We are going to confine ourselves in this hearing entirely and absolutely to this one phase of the question; that is to say, the question of the exclusion of ineligible aliens, and are not concerning ourselves or addressing you or stating anything with reference to any other feature of the bill or the subject before you.

In presenting this matter it is my duty to present the facts and the conditions to you, and I desire to follow in any way the wishes of the committee. I have prepared, for the purpose of conserving your time as much as possible in presenting the matter in some understandable way, a condensed statement. Possibly I am going to be too brief in some of my statements as to facts, most of which are entirely new to you, many of which will be new to others in Congress here, and if in those statements I am too brief I trust you will interrupt and question me, so that I may make the thing clear as I proceed.

The CHAIRMAN. I suggest that you summarize your facts as you think best, and then if you wish to supplement or enlarge them in a written statement you may do that, Mr. McClatchy.

Mr. McCLATCHY. Thank you, Mr. Chairman. You have already been kind enough to suggest that a brief could be filed, and I will do that. Our departure was so hurried that that brief was not prepared, but I will stay here and prepare it.

In 1790, over 130 years ago, the United States by Federal act made ineligible to citizenship all the yellow and brown races, in effect half the population of the globe, including the Hindus, the Malays, the Japanese, the Chinese, and even the Philipinos. That has been the law since that time, that particular feature not having been modified or changed. That law undoubtedly was enacted because of all races which come to this country or which may come to this country, the yellow and brown races of Asia are the least assimilable. They are those races which are most difficult to amalgamate into American citizenship. And I use the term "assimilation" throughout my talk in the sense of amalgamation. There is no real assimilation unless it is amalgamation.

The yellow and brown races do not intermarry with the white race, and their heredity, standards of living, ideas, psychology, all combine to make them unassimilable with the white race. If we are to restrict immigration, therefore, it is plainly proper that we should deny first entrance to that element which is hopelessly unassimilable because under our own laws it may never enjoy the privilege of American citizenship. So we have the logical reason for the provision which has been inserted in the House bill and now under consideration before your committee, to the effect that aliens ineligible for citizenship shall not be admitted into this country.

Senator COPELAND. Has there never been any change in that law?

Mr. McCLATCHY. I understand that so far as concerns the exclusion of yellow and brown races, Senator, it has never been changed. I think that is absolutely correct. It may have been modified in minor particulars.

The CHAIRMAN. We admit the black race to citizenship.

Mr. McCLATCHY. Yes; we admitted the black race on account of conditions which I shall not consider at this time.

Against this plan most determined opposition has been brought, and whether that opposition comes through the Department of State

or comes through church organizations or commercial interests or so-called immigration associations we find behind it all the hand of Japan. So in this measure, which is not discriminatory, we are forced to consider particularly the case of Japan, because Japan has insisted on making her protest against it on racial and national grounds. So that I want at the outset to avoid the charge or implication that we are taking in this matter any discriminatory action against Japan, and it is Japan's own action which has forced upon us making the prominent feature of this presentation the case of Japan.

We start with the assumption that immigration is a domestic question which it is our right to regulate by our own laws, in accordance with our own interests, regardless of the interests or protests or demands or threats of other peoples and other nations. And least of all should we be diverted from legislation which is manifestly in the interests of this country by the demand or protest of any or all races which under our own laws are made unassimilable because they are ineligible to our citizenship.

Of all the races ineligible to citizenship under our law, the Japanese are the least assimilable and the most dangerous to this country. Understand me, I make that statement in no offensive sense. I have a very high regard for the character and ability of the Japanese nation and the Japanese people, and I realize that it is in effect their strong racial characteristics which make them so dangerous a factor if admitted to this country as permanent residents. Let me say, therefore, that there is no prejudice on my part, no prejudice on the part of the people of California. We realize that the Japanese can be good and friendly neighbors, and we want to remain with them as good and friendly neighbors. But neighbors may be friendly and continue indefinitely as friends if they do not attempt to live in the same house.

Let me say, too, for the particular benefit of those who live in the Eastern States that the average easterner, coming into contact with the highly cultured Japanese, usually or often graduates of our American colleges, has no conception of the character of Japanese immigration which is coming into Hawaii and filling the fruitful valleys of California and Washington. Frequently, therefore, and naturally, he has the feeling that California has an unjust and unfair prejudice in this matter.

Now, why do I say that the Japanese are less assimilable and more dangerous as residents in this country than any other of the peoples ineligible to citizenship under our laws?

First, with great pride of race, they have no idea of assimilating in the sense of amalgamation. They do not come to this country with any desire or any intent to lose their racial or national identity. They come here specifically and professedly for the purpose of colonizing and establishing here permanently the proud Yamato race. They never cease to be Japanese. They have as little desire to intermarry as have the whites, and there can be no proper amalgamation, you will agree, without intermarriage. In Hawaii, where there is every incentive for intermarriage, the Japanese have preserved practical racial purity, and I commend to your attention in proof of that the National Department of Education Bulletin No. 16, 1920, and other references which will appear in my remarks.

In pursuit of their intent to colonize this country with that race they seek to secure land and to found large families, and they are constantly being urged by their leaders and by their vernacular newspapers to beget children and to get land, in order that they may permanently maintain in this country that great race.

They have greater energy, greater determination, and greater ambition than the other yellow and brown races ineligible to citizenship, and with the same low standards of living, hours of labor, use of women and child labor, they naturally make more dangerous competitors in an economic way.

They do not distribute themselves as individuals throughout a great country or a great district. Some eastern gentlemen have said to me, "Why, the position of California is absurd. On your own statement you have only got 100,000 Japanese in a population of 4,000,000, and you have only got 150,000 Japanese in a national population of 110,000,000."

That is not a weak solution though; it is a concentrated solution in small districts. For instance, of the 100,000 Japanese in California 75 per cent are confined to 7 of our 58 counties, and in those 7 counties they concentrate in a few districts. And so they do elsewhere. They select the better and richer districts, and they concentrate there, secure possession and control of communities and industries, and make their presence felt, so that in those communities they succeed in time in becoming the paramount influence.

They are a unified nation, with national pride and intent on maintaining a position as a world power. That is quite a different position from that occupied by any other of the races ineligible for citizenship. They are insistent on securing recognition and social rights, quite proud and sensitive, and therefore all the more occasion and probability of friction and trouble when in large communities they are settled in this country.

They never cease to be citizens of Japan. They are not permitted to expatriate after 17 years of age. The children born in this country and carefully registered to secure all the rights of American citizenship are only a little less unassimilable than their immigrant parents.

In support of these contentions I am quoting various references, but I shall not take up your time by reading them. However, if on any point that I make you have grave doubt I wish you would ask me to explain further, or give me an opportunity to make an explanation in personal conference.

Japan claims and insists on every individual Japanese (whether he be born in Japan and an immigrant here or born in the United States and accorded all the rights of American citizenship) discharging all the duties and obligations of Japanese citizenship, and vicariously punishes his relatives in Japan if he fails to do it. I will just read one extract in support of that last statement. The Honolulu Advertiser of January 16, 1923, contained a very striking item in regard to the case of Henry K. Fukuda, member of the Society of American Citizens of Japanese Ancestry, born in Hawaii, a citizen of the United States, claiming and exercising all the rights and duties of American citizenship.

It seems that Fukuda, as all other Japanese born in this country and claiming American citizenship, was cited to show himself in

Japan and perform his military duty, and he failed to do so. He had certain relatives over there, and those relatives were punished because Mr. Fukuda, an American citizen, declined to go back to Japan and perform his conscription duties. He has a receipt showing that H. Nakahara, who was his relative, had paid \$5 to the district attorney of the Iwakuni district for alleged violation of the military conscription law by H. Fukuda.

Senator KING They insist upon dual citizenship, the same as Germany did for a while?

Mr. McCLATCHY. They do, Senator, but they carry it to a very much greater extent. Germany does not in this country maintain associations under which every American citizen of German parentage is influenced and controlled; those associations subject to major associations, and those in turn subject to the control and direction of the local German consul. That is the fact with regard to Japan and the Japanese, and here I have in my exhibits the proof of it. For instance, from Yoshi Kuno, a professor of the University of California, a Japanese, a son of one of the great generals of Japan, in this country many years, but not a citizen of the United States—he has published a statement, in the interest of permanent friendship between the United States and Japan, showing the way in which Japan has been determinedly and persistently doing these things, and warning that a continuance of that policy must inevitably result in the breach of those friendly relations between this country and his own country of Japan. I will leave that with you, Senator, and be very glad to call your attention to any specific point in it.

There have been in the neighborhood of 90,000 Japanese born under the American flag in continental United States and in Hawaii. Three years ago I had an official report from, I think it was, the department of justice in Tokyo, and there were exactly 64 of that entire number who had been permitted to expatriate under the laws of Japan. They were claiming and exercising the rights of American citizenship, and all but 64 of those 90,000 were tied up to Japan and compelled to do her will in peace and in war.

Senator KING. Have you evidence that they assented to this claim of Japan and recognized their allegiance to the Japanese Government? Or was it a mere assertion of a claim by Japan which the American citizens resisted?

Mr. McCLATCHY. For instance, every Japanese born in this country has to register with the Japanese consul, and he does register, as a citizen of Japan. He is subject to the control and direction of his local Japanese association. He can get none of the necessary privileges or rights in the way of communication with Japan, passports, and so on, unless he has fulfilled the duties required of him.

Why, over in Honolulu during the time when we were at war and under arms a number of Japanese had enlisted with the colors. Many of them, I suppose really all of them, were American-born citizens, and claiming rights as such. One of those American-born citizens, in American khaki, coming in from the camp came to the Japanese consul in Honolulu, and, under his right as a Japanese citizen, got credentials from that consul recognizing him as such so that he could bring over from Japan a picture bride.

Senator KING. You will recall that the War of 1812 was largely the result of the assertion by Great Britain of her right over English-

men who had expatriated themselves and taken out American citizenship papers and had gone upon our ships, and they were seized upon the high seas.

Mr. McCLATCHY. Senator, that was a hundred years ago.

Senator KING. I know. I am merely stating it as a fact. And yet England, perhaps improperly, certainly from our concepts of international law, asserted jurisdiction over those persons. Nevertheless, they did not assent to that. I am not expressing any opinion.

Mr. McCLATCHY. Do not misunderstand me. I am not denying the right of Japan to do these things. I am calling attention to the fact and suggesting that the fact is one of the strong indications that it would be absurd, criminal, and suicidal on the part of this country to admit as permanent residents people of a proud race who will be obliged to do these things.

Senator SHORTRIDGE. Senator, before we depart from that, with the permission of the chairman, I undertake to maintain that practically 100 per cent of the native-born Japanese in the United States and 100 per cent of those who have come here from Japan do submit and do yield obedience to the demands of Japan.

Mr. McCLATCHY. I might supplement that, if I am not taking too much time, by referring the committee to the testimony of the Hawaiian commission before the House committee in either 1921 or 1922.

The big sugar strike in Honolulu developed this astounding fact: Hawaii had been priding herself on Americanizing the American born—the Hawaiian-born Japanese. The legion was particularly proud of the fact that it was educating those American citizens of Japanese ancestry. And yet they found in the course of that strike that with a few individual exceptions, there was not a single Japanese in the Territory of Hawaii, immigrant or Hawaiian born, who was not, under duress or voluntarily, conforming to the orders of the Japanese family leaders in Japan, and, directly or indirectly, actively or in other ways, upholding the strike as a racial matter.

Senator SHORTRIDGE. And guided by the consul.

Senator REED of Pennsylvania. I do not know whether the question has been brought up, but I see by the report of the Commissioner General of Immigration that in the last fiscal year there were admitted a total of 11,571 Japanese and there departed 11,172 Japanese, so that the net gain by immigration in the last fiscal year was 399 persons. Do you regard that as a menace?

Mr. McCLATCHY. Senator, permit me to say—I will go into that now if you desire, but I am dealing with the matter of the actual result of the agreement later.

Senator REED of Pennsylvania. Very well.

Senator KING. As I understand it, under the bill which we are discussing now, if it should be enacted into law, the number which would be admitted would not greatly exceed 300.

Mr. McCLATCHY. Oh, I beg your pardon, Senator. You are taking the 1910 census, as I understand it—you have already agreed to do that. The 1910 census would admit 3,000 Japanese a year.

Senator REED of Pennsylvania. That would mean that there were 150,000 Japanese-born residents in the country in 1910?

Mr. McCLATCHY. In 1910.

Senator REED of Pennsylvania. Is that in the continental United States?

Mr. McCLATCHY. No; continental United States and Hawaii.

Senator REED of Pennsylvania. The bill we are considering refers only to the number in the continental United States.

Mr. McCLATCHY. Then it would be about 72,000—1,400 persons a year.

Senator REED of Pennsylvania. I have this thought, that under the gentleman's agreement there is a distinct restriction on Japanese immigration. This quota system which we will now add to that supplies an additional restriction. It does not in any sense liberalize the present law; it supplies an additional bar. I understand that that is not satisfactory, that you want absolute exclusion?

Mr. McCLATCHY. Yes, Senator; and if you will permit me, I will go into that now if you prefer.

Senator REED of Pennsylvania. No; I did not want to disturb the order of your remarks at all, just so long as you do not pass over the subject entirely.

The CHAIRMAN. Mr. McClatchy, I would be very glad to have you, when you come to it, discuss the effect of including the Japanese in the quota law.

Mr. McCLATCHY. I am prepared to do that, Mr. Chairman. That is one of my topics.

I was speaking of the Japanese children born here and the difficulty of making American citizens of them. They are educated in separate Japanese schools in California and Hawaii, where they are taught to be loyal and ideal Japanese citizens. Again, I only refer to that as a fact and as indicating that that class of people is dangerous for us. It is perfectly proper for Japan to educate her citizens in Japanese loyalty. A great many of those children are sent back to Japan between the ages of 6 and 8 years, and they remain there until they are 17 or 19, and when they come back they are not American citizens, they are Japanese citizens, loyal, and they never become American citizens in intent or ideal after that.

Why, two years ago—and I suppose the conditions are about the same now—there were, according to the admission of the Japanese, 15,000, and according to the estimate of the health board in the territory, 20,000 Hawaiian-born Japanese children in Japan, receiving their education in Japanese schools and destined to come back when they were 17 or 19 years of age as full fledged loyal Japanese citizens entitled to all the rights and privileges of American citizens but drilled to do the will of Japan in peace and in war. From California it is estimated that there are 15,000 California-born Japanese children in Japan receiving a Japanese education. I can not quote the exact figures, but there were 6,600 of those children sent out from the port of San Francisco in three years, to receive that Japanese education and come back.

Senator HARRISON. What is your estimate of the Japanese in Mexico?

Mr. McCLATCHY. I do not like to talk about things on which I am not informed, Senator, and I do not know. I may say this only, that so far as I know and believe, Mexico is used largely as a

temporary abiding place for those who intend ultimately to get into the United States. The same is true of South American ports.

Now, the Japanese maintain in this country a government within a government. That is to say, as I have indicated they are subject individually, whether born here or immigrants, to the orders of the local associations, which in turn are subject to the central associations in the five consular ports of the Pacific coast, and those in turn are under the direct orders of the local Japanese consuls. That is not my statement; that is the statement of a Japanese, Professor Yoshi Kuno, and I have it here in one of my exhibits.

Senator KING. Mr. McClatchy, when I was in California and when I was in Hawaii I talked with a good many Japanese; some of them voluntarily sought me and in other cases I sought them for the purpose of getting information, with a purely open mind. I discussed with them very frankly some of the matters to which you are referring, and some of the young men who were contemplating going to Japan to complete their education stated to me that they did it with a great deal of reluctance. They said that there was a sort of bar sinister placed upon them by the Americans: that there in Hawaii the Americans, the Anglo-Saxon race, always looked upon them as Japanese, and American newspapers were always denouncing them and denouncing the country of the birth of their fathers, holding it up as the awful example, that it was the yellow peril, that it was the menace of Anglo-Saxon institutions, and of our country. And they conceded that the attitude of the American mind was that they were to be outcasts even if they were American citizens under the American flag; that we erected social barriers against them and political barriers against them, and that there were economic barriers against them; and that whereas they might be born here and be American citizens by reason of birth, our attitude forbade any possible amalgamation, assimilation or association, political, or otherwise.

It seems to me there is a good deal in that. Have we dealt properly and fairly with the young Japanese boy and girl born in America? Have we dealt fairly with the Jew, with the Italian, with the Greek, with the Hungarian, with the Pole, with these young boys, and girls who were born here and with those who have come here? Have we held out a welcoming hand with a view to assimilating them, or haven't we too often pushed them out, ostracized them, put them into the ghetto and forced them to assume a feeling of affection and loyalty to their fatherland that they did not want to assume?

That is worthy of consideration, though I express no opinion.

Mr. McCLATCHY. Senator, that suggestion is an entirely fair one, and what you say is well grounded. That is quite true. But remember just this distinction. You in the East here, who come in contact with the cultured and desirable Japanese, have no idea, no conception, of the class of immigration which comes into California. I have, I am proud to say, among the Japanese many friends. I have been able to discuss these questions with them in perfect frankness and amity, with Vicount Shibusawa, the most prominent private citizen of Japan now, and others. And there has always been that trouble, that even where they have individually the desire to become thorough Americans there is, as you say, this bar.

But that is hopeless, Senator. That is the result of the absolute unassimilability of the two races. Whether it is our fault or theirs,

it exists. It is mutual. And since it is so, it is our duty, as I see it, to protect our race and our people and our Nation, with all its faults, rather than to sacrifice it by letting in an unassimilable alien people at their request or demand.

We do not differ very much, Senator, when all the facts are before us, on that point at least.

Senator KING. I did not express an opinion. I was just citing some of the suggestions which have been made to me.

Mr. McCLATCHY. I agree with you, Senator, on that point, but I say that these are conditions which we face.

The CHAIRMAN. Mr. McClatchy, when you come to the end of your statement of facts I want to ask you to discuss the numbers that come in under the gentleman's agreement.

Mr. McCLATCHY. Yes, Mr. Chairman; I have that. Do you want me to take it up now?

The CHAIRMAN. No; I do not wish to interrupt the order of your argument.

Mr. McCLATCHY. Now, I want to show you why, in the judgment of California, aliens ineligible to citizenship are so hopelessly unassimilable, and why, in our judgment, of all those races the Japanese, notwithstanding our friendly feeling toward them, are the most unassimilable and the most dangerous.

The CHAIRMAN. Let me say that the reason why I asked that question is this: Suppose there were only 100 coming in, a very minimum number, then you would come to the international question of disturbing our international relations with Japan? I want to know whether, in point of numbers, it is reduced to a minimum so that it is a negligible quantity, or whether in practical operations, under present conditions, it is a menace.

Mr. McCLATCHY. I will come to that, Mr. Chairman. But I will say briefly that California will not be satisfied with any quota, no matter how small, for reasons which I think will commend themselves when I present them to your judgment.

The CHAIRMAN. Now, Mr. McClatchy, in that aspect of it, how many come in now under the present law, and, secondly, how many would come in under the quota?

Mr. McCLATCHY. Under your quota?

The CHAIRMAN. Under the 2 per cent quota. You need not answer it now, but when you come to discuss the numbers, I wish you would.

Senator REED of Pennsylvania. I can put the figures in the record, Mr. Chairman. About 1,400 would come in if the quota were 2 per cent, based on the census of 1910. If the quota were based on my amendment, it would be about 300 persons per year.

(At this point the hearing was suspended for about 10 minutes to permit members of the committee to attend upon a vote in the Senate.)

The CHAIRMAN. The committee will come to order. Continue your statement, please, Mr. McClatchy.

Mr. McCLATCHY. I have shown the reasons why California believes that it is impossible to assimilate the Japanese into American citizenship, not because of their fault—it is ours, if you like—but the two races are unassimilable, and, therefore, it is a danger to the peace and friendliness and good will of the two nations to have that condition continue in this country.

President Roosevelt, who gave perhaps more consideration and thought to this subject than any other President of the United States, was very firmly of that opinion. His evidence is all the more striking, because in 1906, in a message to Congress, he suggested the propriety of admitting Japanese to citizenship. He entirely changed that attitude afterwards when he had the facts before him, and then afterwards was firmly and determinedly side by side with California in the declaration that the two races were so unassimilable that it was dangerous and suicidal to permit them to maintain in this country communities of Japanese. He stated that view frankly to the Japanese themselves, and it was because of his attitude that the so-called gentlemen's agreement was afterwards entered into.

As illustrating Roosevelt's point of view, let me read to you only a couple of paragraphs from his autobiography. I will leave the balance to be considered by the committee in the exhibits:

There has always been a strong feeling in California against the immigration of Asiatic laborers, whether these are wageworkers or men who occupy and till the soil. I believe this to be fundamentally a sound and proper attitude which must be insisted upon.

* * * * *

In the present state of the world's progress it is highly inadvisable that peoples in wholly different stages of civilization, or of wholly different types of civilization, even although both equally high, shall be thrown into intimate contact.

This is especially undesirable when there is a difference in both race and standard of living. In California the question became acute in connection with the admission of the Japanese.

* * * * *

But the Japanese themselves would not tolerate the intrusion into their country of a mass of Americans who would displace Japanese in the business of the land. I think they are entirely right in this position. I would be the first to admit Japan has the absolute right to declare on what terms foreigners shall be admitted to work in her country, or to own land in her country, or to become citizens of her country. America has and must insist upon the same right. The people of California were right in insisting that the Japanese should not come thither in masses; that there should be no influx of laborers, or agricultural workers, or small tradesmen—in short, no mass settlement or immigration.

He devotes a whole chapter of his autobiography to the California question, and I refer the committee to it for further consideration.

The CHAIRMAN. Mr. McClatchy, was not President Roosevelt willing to leave it to Japan as a question of honor rather than to have the United States pass a statute of exclusion?

Mr. McCLATCHY. No, sir.

The CHAIRMAN. Was not that the essence of the gentlemen's agreement?

Mr. McCLATCHY. No, sir. I will say briefly now and explain it later—

The CHAIRMAN. This is merely for my own understanding.

Mr. McCLATCHY. To a certain extent you are right, Mr. Chairman.

The CHAIRMAN. Here we have a proud people. We know their standing in the family of nations as one of the great nations of the world. Here is this great question of racial discrimination. Now, I thought Japan said to the United States, "Don't pass a law which would denote our inferiority. Leave it to our honor." and that

that was the essence of the gentlemen's agreement—that is, the absence of a statute of exclusion, leaving it to the honor of Japan.

Mr. McCLATCHY. You are right to that extent, Mr. Chairman; but let me supplement it.

It was agreed between Japan and Roosevelt, representing the United States, that further Japanese immigration was going to be a very serious menace to the friendship of both peoples, and that it should cease. California demanded an exclusion act. Japan, as you say, said that would be a blow to her pride, and if permitted she would under her own system voluntarily prevent Japanese immigration coming into this country. Roosevelt said, "All right; I will depend upon you in this matter." But Roosevelt did more. While he said he would depend upon her honor in the matter, he had a club, and that club was an agreement with Japan that if she failed through her passport system to prevent a further increase of Japanese population in this country, and even, if possible, to decrease it, he would under the agreement with her put into effect an exclusion act.

Senator SHORTRIDGE. That is absolutely correct.

Mr. McCLATCHY. I am going to show you that from the brief prepared for the consideration of the State Department.

The CHAIRMAN. Then does not your proposition lead to this inference, that Japan has failed, practically?

Mr. McCLATCHY. Absolutely. That is to say, the agreement has failed to accomplish what was its acknowledged purpose.

This whole matter is set forth very clearly in the correspondence which ensued between President Roosevelt and the legislature of California in connection with this subject. I think it is a matter that has not been before the committee and is not generally known.

The CHAIRMAN. This is perhaps a rather unusual question. Do you think that if Roosevelt were alive, and President of the United States, he would say that the gentlemen's agreement with regard to the issuing of passports had been a failure, and that he would therefore come to the second proposition, that it is time now to pass this exclusion act?

Mr. McCLATCHY. Mr. Chairman, I not only think so, but Roosevelt has in effect declared so, as I will show in a few minutes. To understand this matter you will have to have the story.

In 1909 the California Legislature had before it a number of anti-Japanese bills, and President Roosevelt, as we know, was very anxious that that friction between California and Japan should cease. He believed that some of those bills were unfair, while he held that the general attitude of California as to Japanese immigration was proper.

A commission of Californians, at the President's request, took the matter up with him. Senator Flint was one, Congressman Julius Kahn was another, and Franklin K. Lane was the third. Following that conference President Roosevelt telegraphed back to the legislature, in a telegram of February 9, 1909, to the speaker of the house. In that telegram he said what he had said to this commission, that he desired California to recede from this anti-Japanese legislation, which was only going to make friction, and some of which he believed to be unfair; that California's position generally was right; that he had taken the necessary measures to protect her; that he had

an agreement with Japan under which Japan by her own act was to keep out Japanese immigration; at that time it had worked so successfully for the first six months of its operation the Japanese population in the continental United States had decreased 2,000; and that if in the future similar satisfactory results were not obtained from it, then California had just ground for complaint and the Federal Government could and would apply the necessary remedy—meaning enforcement of an exclusion act.

I want to read that telegram to you, because it is the foundation of our claims. This is the telegram:

I trust there will be no misunderstanding of the Federal Government's attitude. We are zealously endeavoring to guard the interests of California and of the entire West in accordance with the desires of our western people. By friendly agreement with Japan we are now carrying out a policy which, while meeting the interests and desires of the Pacific slope, is yet compatible not merely with mutual self-respect but with mutual esteem and admiration between the Americans and Japanese.

The Japanese Government is loyally and in good faith doing its part to carry out this policy, precisely as the American Government is doing. The policy aims at mutuality of obligation and harmony.

In accordance with it, the purpose is that the Japanese shall come here exactly as Americans go to Japan, which is in effect that travelers, students, persons engaged in international business, men who sojourn for pleasure or study, and the like, shall have the freest access from one country to the other and shall be sure of the best treatment; but that there shall be no settlement en masse by the people of either community in the other.

During the last six months under this policy more Japanese have left the country than have come in, and the total number of Japanese in the United States has diminished by over 2,000. These figures are absolutely accurate and need not be impeached. In other words, if the present policy is consistently followed and works as well in the future as it is now working, all difficulties and causes for friction will disappear, while at the same time each nation will retain the self-respect and good will of the other.

But such a bill as this school bill accomplishes literally nothing whatever in the line of the object aimed at, and gives just cause for irritation, while in addition the United States Government would be obliged immediately to take action in the Federal courts to test such legislation, as we hold it to be clearly a violation of the treaty.

On this point I refer you to the numerous decisions of the United States Supreme Court in regard to State laws which violate treaty obligations of the United States. The legislation would accomplish nothing beneficial, and would certainly cause some mischief. In short the policy of the administration is to combine the maximum of efficiency in achieving the real object which the people of the Pacific slope have at heart, with the minimum of friction and trouble, while misguided men who advocate such action as this against which I protest are following a policy which combines the very minimum of efficiency with the maximum of insult, and which, while totally failing to achieve any real result for good, yet might accomplish an infinity of harm.

If in the next year or two the action of the Federal Government fails to achieve what it is now achieving, then through the further action of the President and Congress it can be made entirely efficient.

I am sure that the sound judgment of the people of California will support you, Mr. Speaker, in your efforts. Let me repeat that at present we are actually doing the very thing which the people of California wish to have done, and to upset the arrangement under which this is being accomplished can do no good and may do harm. If in the next year or two the figures of immigration prove that the arrangement which was worked so successfully during the past six months is working no longer successfully, then there would be good ground for grievance and for the reversal by the National Government of its policy. But at present the policy is working well, and until it works badly, it would be a grave misfortune to change it, and when changed it can only be changed effectually by the National Government.

The CHAIRMAN. What year was that written?

Mr. McCLATCHY. That was February 9, 1909, Mr. Chairman.

Promptly, the very next day, in response to the assurance of President Roosevelt that the United States had an agreement which would fully protect California in this matter, and that she would be protected under that agreement or under another agreement already provided for, the California Legislature killed all those bills to which the President had taken exception.

The President then sent out two wires, which are a part of the record, and are significant. One was to the speaker of the assembly:

Accept my heartiest thanks and congratulations for the great service you have rendered on behalf of the people of the United States. I thank the people of California and their representatives in the legislature.

The second was, however, very much more significant. It was a telegram to Governor Gillette:

WASHINGTON, February 10.

Gov. J. M. GILLETTE, Sacramento:

Accept my heartiest congratulations. All good Americans appreciate what you have done. Pray extend my congratulations individually to all who aided you. I feel the way in which California has done what was right for the Nation makes it more than ever obligatory to safeguard the interests of California. All that I can do to this end either in public or private shall most certainly be done.

I want to impress upon the committee this: That there was a contract between the State of California and the Federal Government, under the terms of which the Government was indorsing California's position as to the exclusion of Japanese immigration, and that if she would do certain things which would placate Japan and not provoke friction the Government itself would see that this agreement would be carried out, either in the way in which Japan proposed to carry it out or forcibly by an exclusion act.

Now, then, what happened? According to President Roosevelt's testimony, his successor, President Taft, made in the treaty of 1911 with Japan a concession which destroyed the very safeguard which Roosevelt had placed in that agreement by providing that the nationals of Japan might have admission as residents and for business purposes. Even there, however, Japan, by a note which was appended to the bottom of the treaty and signed by the Japanese ambassador, specifically said—

The CHAIRMAN. You are referring to the treaty of 1911?

Mr. McCLATCHY. Yes, Mr. Chairman. If you have it there you will notice a note at the bottom—

The CHAIRMAN. I have only an excerpt from it.

Mr. McCLATCHY (continuing). In which it is specifically said that Japan guarantees to carry out the intent of the agreement as to the exclusion of Japanese labor.

Now, then, the result has been, as we shall see later, that under the agreement which has been in effect since then the very purpose of the agreement in preventing the increase in Japanese population of this country, with the obvious injuries and consequences which would result, has not been fulfilled, and that population has steadily and very largely increased.

The CHAIRMAN. Did it increase by reason of the Japanese coming here for purposes of trade under the treaty?

Mr. McLATCHY. Partly, Mr. Chairman.

The CHAIRMAN. Of course that might be temporarily or for a long time, you know.

Mr. McCLATCHY. Yes. This is the footnote that was appended to the treaty and signed by the Japanese ambassador:

In proceeding this day to the signature of the treaty of commerce and navigation between Japan and the United States, the undersigned, Japanese ambassador in Washington, duly authorized by his Government, has the honor to declare that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of laborers to the United States.

That was practically a pledge on the part of Japan to the United States that, notwithstanding the removal of Roosevelt's safeguard, they would on their honor and through their own efforts still serve the purpose for which that agreement was made and specifically outlined, to wit, prevent the increase of Japanese population in this country.

The CHAIRMAN. Is there anything said about the increase of Japanese population in this country in the papers themselves?

Mr. McCLATCHY. No; there is not.

The CHAIRMAN. Mr. McClatchy, is there not a distinction between what you call the laborer or immigrant and traders and merchants coming from Japan under the commerce clause of the treaty?

Mr. McLATCHY. Mr. Chairman, I have shown you from President Roosevelt's own language that the danger which he and Japan foresaw was that the development of Japanese communities in this country was going to lead to racial and international friction, and that it was the intent of that agreement to prevent an increase of Japanese population in this country. He says that specifically in some of these things which I have read to you.

Now, the difficulty with this Japanese agreement is this: It is not a document which is accessible to the country. It is a secret understanding, consisting of an interchange of notes, and even the House Committee on Immigration has been refused permission to see what that gentlemen's agreement is and just what it says and what it means. And the best evidence which we have been able to produce is that of Mr. Roosevelt himself, who made the agreement.

Just think! In a nation like this we have conceded to Japan under that agreement the right to say how many Japanese shall come into this country. The fact is that under the orders of the department to the officials in each port any Japanese who presents himself with a passport from Japan must be admitted unless he has contagious disease. No such relinquishment of sovereignty has ever been made by any other nation on the face of the earth, and we have never made it ourselves to any nation save Japan; and Roosevelt did it, relying absolutely on Japan's honor that she would fulfill the conditions of the agreement; and apparently Taft, even after the removal of the safeguard, relied on it that she would still do it under the footnote to the treaty.

The CHAIRMAN. The gentleman's agreement, so far as we know it, did not exclude traders from coming, did it? It was directed specifically, was it not, at the laborers, the immigrants?

Mr. McCLATCHY. I think not, from President Roosevelt's language. You must remember that we are denied access to the documents, Mr. Chairman.

The CHAIRMAN. Well, it has been published, I think, in the House reports somewhere.

Mr. McCLATCHY. It has never been published. Secretary Hughes in a letter to the House committee, which was published in its hearings within two years at least, specifically said, in response to the request of the committee to be permitted to see what the agreement contained, that it was a confidential correspondence between Japan and the United States and that it could not be shown even to the House Committee on Immigration without the express permission of Japan.

The CHAIRMAN. Waiving that for a minute, we entered into that treaty with Japan in 1911, did we not?

Mr. McCLATCHY. Yes.

The CHAIRMAN. This is a clause of the treaty:

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

In our consideration of this subject we must draw the distinction between the immigrant; that is, the laborer, if you please, and persons coming here for purposes of trade under the commercial treaties which we have with various countries. Now, the question I was going to ask is whether the Johnson bill would not operate to repeal this provision of the treaty?

Mr. McCLATCHY. I would rather that Attorney General Webb should answer that question. But I understand, of course, that any action along this line by Congress—

The CHAIRMAN. Oh, absolutely; a statute repeals a treaty and a treaty repeals a statute.

Senator SHORTRIDGE. May I say just a word right there? There is no doubt whatever as to what was contemplated and agreed to in or by the so-called gentleman's agreement. It was contemplated that there would be a falling off or a decrease in the Japanese population in California, and in so far as Japan could they promised to carry out that agreement.

Now, the agreement has not been carried out, and there has been a very great increase in the population. When it came to the treaty of 1911, a portion of which you have just read, this bar as against immigration was removed. The activities of the immigrants from Japan were limited by the treaty, but there was no limitation in that treaty as to the number that might come. Recently the Supreme Court of the United States has upheld our State legislation, which prevents the owning of real property for agricultural purposes, for subleasing, etc. But the gentleman's agreement was to limit and to reduce the population or immigration. The treaty of 1911 removed all limitation as to immigration, but accompanying that treaty of 1911 was the declaration of the ambassador that the existing gentleman's agreement would be carried out in good faith.

Mr. McCLATCHY. And that, I understand, Mr. Chairman, was done because the Senate in passing upon the treaty and approving it specifically provided that it was not to interfere with the immigration act. I think Senator Phelan can tell you more about that.

Now, let me indicate from President Roosevelt's own language just exactly what he meant in that agreement in regard to the particular point which you raised; that is to say, as to whether they were going to admit, regardless of the increase of population, traders, business men, and so on. I will read now an extract from a letter to the Hon. William Kent, written by President Roosevelt, dated February 4, 1909, just a few days before he sent that telegram to the California Legislature, which would indicate what was in his mind at the time:

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

The CHAIRMAN. Now, you hit, it seems to me, one phase of this question.

Mr. McCLATCHY. I think that meets your suggestion.

The CHAIRMAN. It is not a new question. It arises with regard to other commercial treaties that we have with other nations, whether the immigration quota is not in violation of them. It is argued with great force that the immigration law does not include traders who come here temporarily for trade purposes and then go back.

Mr. McCLATCHY. Oh, yes; I think that is conceded.

The CHAIRMAN. Was the Japanese agreement intended to include those who come here for trade purposes, etc.?

Mr. McCLATCHY. Provided they did not remain permanently.

The CHAIRMAN. That is what I mean.

Mr. McCLATCHY. But the trouble was that those who came here for purposes of trade remained here.

The CHAIRMAN. Would not the Johnson bill exclude them from coming here temporarily for purposes of trade?

Mr. McCLATCHY. No; my understanding is that it makes a specific exception of tourists.

The CHAIRMAN. Under the Johnson bill an immigrant is anybody coming to the United States from outside the territory of the continental United States. It covers everybody coming.

Mr. McCLATCHY. But they make exceptions.

The CHAIRMAN. They make exception, but those exceptions are specifically stated in the nonquota classes, and the Japanese are not included.

Mr. McCLATCHY. My understanding is that they except tourists, professional men, men who come for business, for temporary residence.

The CHAIRMAN. The State Department has taken the position that coming over here for temporary residence or for business is not broad enough to include the commercial traders covered by the

commercial treaties, and therefore that there should be in the non-quota classes those who come under any treaty or agreement.

Mr. McCLATCHY. I want, if I may, to confine myself to the subject of the ineligible alien, because I think I would take up too much of your time otherwise.

Roosevelt says, further:

They have little recognition of the fact that in the present status of social advancement of the two peoples, whatever may be the case in the future, it is not only undesirable but impossible that there should be any mingling on a large scale, and the effort is sure to bring disaster.

So that, clearly, the idea which Roosevelt had was that an increase of the Japanese population, whether of laborers or business men or professional men, should not be permitted, because any increase of alien and unassimilable population was sure to make trouble between the two countries.

The danger which Roosevelt foresaw has been foreseen elsewhere in regard to the Japanese and the Asiatic population. Many years ago Great Britain made a treaty with Japan and she specifically provided therein that Japanese citizens should have access to the dominions of Great Britain, with the privileges and rights of citizenship, as any other favored nation. But she made a reservation to the effect that any one of the dominions could except to or modify that so far as it affected its own territory in any way desired. South Africa, Australia, and New Zealand did most materially modify that agreement so as to absolutely exclude Japanese, and Australia, as you perhaps know, did it in a most discriminatory way. They have a law there which says, in effect, that incoming immigrants must submit themselves to an educational test, and the educational test is that they may be forced to read and talk in any one of 20 different languages. They say, "Now, you are the inspector here, and you can hold the job if you do not let in any Japanese." So he asks the Japanese to read in Arabic, or Yiddish, or anything else. Great Britain specifically warned her dominions separately to modify that treaty as to their own territories if they saw fit.

I have seen the letter which the prime minister of Great Britain sent to Canada warning them specifically in the matter, calling their attention to what South Africa had done in the way of protection, and urging, in a confidential way, that something of that same sort be done by Canada. But Canada did not do it, and the result was that she found herself in a few years confronted with a possible influx of numberless Japanese. Then she entered into a gentleman's agreement with Japan under which but 400 were to be admitted each year. I see from the official reports that 1,200 or 1,600 are coming in, and Canada has been very much aroused over it, because she has now over five times as many Japanese in proportion to the population as the United States has.

In the Dominion Parliament of 1922 the representatives from British Columbia, Vancouver, and the west induced the parliament to pass a resolution under which the Government was called upon to bring about as speedily as possible an absolute exclusion by law of all the Japanese.

Bear in mind that in all this matter Japan has been the close ally of Great Britain, that she never excepted to any of these proceed-

ings, that she has never alleged discriminatory treatment against herself, and yet she comes here and in the face of the fact that our act is not discriminatory, but general, she excepts and protests and even makes covert threats.

Now, what has been done actually under the Japanese agreement, so far as the United States territory is concerned? And here I am only going to skeletonize it with reference to the many exhibits which I offer.

In Hawaii in 1880 there were no Japanese. In 1920 almost half the population were Japanese, having the control of many and varied industries. In 1940, according to investigations extending over nearly two years, made by Louis Sullivan for the American Museum of History, the number of voters of Japanese parentage will exceed the number of voters of all other races in Hawaii, and Hawaii will be hopelessly Japanese. In consequence, Hawaii, which a few years ago sent a commission to Washington asking for statehood, knows now that she will not only never get statehood, but she will have to relinquish her territorial form of government and be placed under a Federal commission.

What has happened in California? What has happened in Hawaii has already happened in some districts of California, and is going to happen in many of them unless those conditions are remedied. In 1880 there were no Japanese in California. In 1920 there were 100,000. And while those figures do not agree with the census figures, you will find in a brief which I shall submit here, proof that the census is entirely wrong. In fact, the Japanese themselves found 13,000 more than the census figures give.

The CHAIRMAN. What are the figures given by the census?

Mr. McCLATCHY. About 72,000.

Senator SHORTRIDGE. The Japanese admitted 13,000 more than those figures showed.

Mr. McCLATCHY. Since you ask the question I will say that the Japanese, under authority of their Government, had a census, and you will find in the proceedings of the House committee a statement of the secretary of the Japanese Association of America in which he acknowledges that they found by this census in California 83,000 Japanese, and they found them under a most incomplete system of census, which he explained. They sent out postal cards which had to come back, and they charged every man who sent his return 25 cents. And yet, under that system, incomplete as they acknowledge it to have been, they counted 13,000 in California in excess of the United States census.

The CHAIRMAN. Does the State census make it 100,000?

Mr. McCLATCHY. No; there was no State census. But the estimate of the State board of health is 100,000, and I have various proofs in the way of estimates of that same number.

Mr. PHELAN. The United States census broke down, confessedly—I was pretty familiar with it at the time—because of the system by which the Census Bureau undertook to enumerate the aliens, at 10 cents a name. The Japanese were scattered in the country so far that the agents gave up their jobs and would not enumerate them for 10 cents. There was no other provision of law by which they might be compensated. We counted the 10-cent Japanese, the Attorney General suggests, and they were in the towns.

Mr. McCLATCHY. So much for population. One person in every 40 in the population in California is Japanese, and 1 birth in 11 is Japanese. The birth rate per thousand is about three times that of the whites (this statement is from the report of the State board of health) although the proportion of adult females to males is only 1 to $2\frac{1}{2}$ or 3. They are increasing in number about 10 times as fast as the white, because practically all the women are wives and mothers of families. If present conditions continue—this is a statement from the register of vital statistics of the State board of health—it is only a question of time when the Japanese will exceed the whites in California.

In certain districts of southern California the number of Japanese births exceed the white births. In Sacramento County, outside of Sacramento City, in 1922 there were 252 Japanese and 273 white births. In 1923 there were 268 white births and 250 Japanese. The white population of the district is over five times that of the Japanese, according to the 1920 census. In Sacramento City in 1922 the Japanese, constituting about 3 per cent of the population, furnished 22 per cent of the births.

The CHAIRMAN. The committee can sit this afternoon until 5 o'clock, and I think we had better take the usual recess now until 2.15.

STATEMENT OF REV. CHARLES S. MacFARLAND, GENERAL SECRETARY THE FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA, WASHINGTON, D. C.

Doctor MACFARLAND. Mr. Chairman, I would like to submit certain papers here without discussion.

The CHAIRMAN. They may be submitted.

Doctor MACFARLAND. They show the action of the Federal Council of the Churches of Christ in America, and may be discussed when you reach them by my associates, Doctor Gulick, and others. I simply ask permission to submit them at this time.

The CHAIRMAN. Very well.

(The documents submitted by the witness were filed with the committee.)

(Whereupon, at 1.15 o'clock p. m. a recess was taken until 2.15 o'clock p. m.)

AFTER RECESS.

The committee reconvened at 2.15 p. m., Tuesday, March 11, 1924, pursuant to the taking of recess.

The CHAIRMAN. The committee will come to order. Mr. McClatchy, you may continue, please.

FURTHER STATEMENT OF V. S. McCLATCHY.

Mr. McCLATCHY. Mr. Chairman, and gentlemen of the committee, at the recess I was about to take up consideration in brief of what Japanese peaceful penetration had done in California under the gentlemen's agreement. I had shown what it had done in population. The agreement has been in force for about 15 years. In 1920, as shown by the report of the State board of health, under instructions from the California Legislature to investigate and report at

length, the Japanese controlled one-eighth of all the State's rich irrigated lands, and in four counties, Sacramento, Placer, San Joaquin, and Colusa, they had secured control of from 50 to 85 per cent of all the irrigated lands in those respective counties. Among the exhibits I am offering the entire report of that board of health, which is very instructive.

They have driven white labor off the farms. Methods are illustrated in the Turlock matter, in 1920 and 1921, fully explained in the brief submitted by me to the Department of State, which I leave with you, and investigated also by the House Committee on Immigration when it was out there in 1920. Driving white labor from farm and orchard they have forced in time the owner to sell to them by refusing to work for wage, and afterwards when the law forbade ownership of land by aliens ineligible to citizenship they secured leases which, with renewal, gave them practical control.

When that again, under decisions, was declared in violation of the alien land law, they resorted to a subterfuge in the matter of crop contracts, and that finally, too, was decided to be in violation of the law by the court.

White tenants were thus driven off the lands, and gradually many near-by white proprietor farmers owning small places, and living on the proceeds of produce from those places, because of social conditions and Japanese competition abandoned their farms and orchards, many leasing to Japanese. In connection with that I submit as an exhibit an article from the March number of the Overland Monthly, which goes at some length into the existing conditions in California, and what the situation has produced there, and what it is likely to result in.

They have displaced the whites in business. The Los Angeles city license department reports that in the city of Los Angeles there are over 4,000 separate businesses owned and operated by Japanese, and of these over 1,100 are vegetable and fruit stores, and over 500 are grocery stores, each one of which probably has displaced a similar store owned by and supporting a white man or a white family. That phase of the situation is giving concern not only in Los Angeles but elsewhere throughout the State, because they look across the ocean to Hawaii and see what has been produced there.

Now the profits from Japanese occupancy and lease and tilling of lands in California has come only to the large landowners, who have found that they could make more money by retiring to the cities, leasing their land to Japanese, and taking their profits at the end of the season.

Some suggestion was made this morning as to a difference of opinion among the farmers of the country as to the advisability of getting in cheap farm labor. Now, I want to say on behalf of the farmers of California, as indicated by their action, and by the action of the National Grange, that the actual farmer is unalterably opposed to the immigration of cheap farm labor. The Japanese have never been of any value to the small farmer of California. They have benefited only the large landowner who could make more money out of their services than he could by leasing or by crop contract with whites.

There is no better proof of that than the fact that in 1920 the farm bureaus of the State, representing, I think, 33 counties, and

a membership of over 20,000, held a referendum on various points connected with Japanese immigration, such as the introduction of Japanese, the use of labor on the farms, the leasing by Japanese, the ownership by Japanese, the introduction of picture brides, and on every one of those questions the vote was from 7 to 1 to 24 to 1 against the Japanese.

The small farmer is absolutely opposed, because he does not employ the Japanese laborer. The Japanese laborer will not work for him. He works in preference for the Japanese contractor under a sort of cooperative system, and the small farmer finds that not only is the Japanese laborer not available for him but he finds that the Japanese contractor and lessee on adjoining places is his active competitor in production and marketing, and that he is, through this economic competition based on low standards of living, long hours of labor, women and child labor, forced absolutely to the wall. So you may take it that there is not any farmer who knows his business who is in favor of Japanese immigration, or who has as a rule the opportunity to use Japanese labor.

Now then you have before you, too, the action of the State Grange. The State Grange was a party to the request made to this committee to hold this hearing, and is unalterably opposed, through its resolutions, to the admission of ineligible aliens. You had here before you the legislative representative of the National Grange, who has given you the resolutions by that organization.

Now, then, what the Japanese have done, what they have accomplished already in Hawaii, what they are doing in California, what they have already done in some districts of California, they are doing in some other States of the Union, and they are going to do, if permitted, in every State of the Union which offers to them agricultural advantages, because they seek the good, the productive, the rich lands. They are not pioneers.

In Washington you will find in the reports of the House Committee things which have been accomplished by the Japanese there. There, I think, 1 birth in 13 is Japanese. They have taken possession of a good deal of the lands around Seattle, and a large number of the lands in the rich Yakima Valley, and the American Legion of Washington called upon Secretary Fall, I think it was during his incumbency as Secretary of the Interior, to stop the leasing of those Indian lands on the Indian reservations in the Yakima to the Japanese because of the results obtaining there.

The CHAIRMAN. Mr. McClatchy, we are not here to undertake to regulate the conditions in California that exist with respect to the present Japanese population that is here now. Therefore, what I would like information on at the proper time is how many are being admitted now under the gentlemen's agreement and treaties with Japan.

Mr. McCLATCHY. All right, Mr. Chairman. I submit only this thought, that what the Japanese—

The CHAIRMAN. You have stated very clearly about what the Japanese population means in all its aspects. You have been going over that.

Mr. McCLATCHY. Well, I want to bring to your attention this point, and I want to make that very clear, because many States and many statesmen say that this is a local concern of California, or

possibly the Pacific States. I want to draw your attention to the fact that what has been done in Hawaii, what is being done in California, is being done gradually also in Washington and Oregon and Colorado and Texas and New Mexico. That is the point that I want to make. And that it becomes not a sectional concern, but a national concern, and that it is only a question of time when the things which have occurred to us out on the Pacific slope are going to occur to all those States that have rich agricultural districts, providing the conditions as to the admission of the Japanese are permitted to continue.

Now, then, these conditions have developed under the gentlemen's agreement, and that I have explained to you on the very best authority. It would appear to me that the very fact that that is a secret understanding which even a committee of this standing is not permitted to cognize is sufficient justification for the immediate cancellation of that agreement. That, I think, needs no argument.

Under the agreement, as I have said, the United States is forced to admit any Japanese coming to a port of entry with Japan's passport, unless he have a contagious disease. That, again, is sufficient reason for the immediate cancellation of the gentlemen's agreement. A suicidal relinquishment of the supreme sovereignty of this country with regard to the number and the personnel of immigration admitted from a foreign nation, and particularly from a race whose people have been declared by law ineligible to citizenship, and therefore hopelessly unassimilable.

Now, then, the negotiations for the gentlemen's agreement were concluded in 1907. They were commenced some time before, and they had proceeded for some time previously. While they were concluded in 1907, Japan postponed commencement of operations under that agreement until July 1, 1908, and I call to your attention to this fact that during the fiscal years of 1907 and 1908, while this agreement was in negotiation at Japan's request, and during the period when at Japan's request it was made inoperative after it had been signed or entered into, Japan sent over to this country 46,029 Japanese immigrants, of which 19,774 came into continental United States and the balance into Hawaii. Without further comment I simply suggest that that was a gross violation of the intent of the agreement as carefully and definitely explained by President Roosevelt.

Now, subsequently the population of the United States, and of California, very greatly increased under the operation of the gentlemen's agreement. I ask that you bear in mind the fundamental fact that this agreement, as has been shown conclusively, was formed for the express purpose of preventing trouble between Japan and the United States, by preventing an increase in this country of an alien and unassimilable population, which was certain to provoke racial strife and international misunderstanding. And yet under the operation of that agreement since 1906, at the time when negotiations therefor were commenced and in operation, the Japanese population of the continental United States has trebled, and the Japanese population of the State of California has quadrupled.

Senator COPELAND. How large is it now in California?

Mr. McCLATCHY. It is 100,000, Senator.

Senator COPELAND. And in the country how large?

Mr. McCLATCHY. In the United States 150,000. If I may explain a moment, authorities generally agree on the 50,000 outside of the State of California. Mr. Gulick, who has given considerable attention to the subject, made an estimate of about 49,000. The difference in estimates has come in the State of California, and you will find in my brief and things which I am submitting here what I think is conclusive evidence that the population in California is 100,000. That is the estimate, also, of the State board of health.

The CHAIRMAN. The census made it 72,000.

Mr. McCLATCHY. The census made it only 72,000. I was explaining some of those things this morning.

Senator SHORRIDGE. And the Japanese admitted eighty-odd thousand.

Mr. McCLATCHY. Figures have been introduced here, and I am sorry that Senator Reed is not here, because he wanted me to express myself particularly to that point—figures have been introduced showing the immigration statistics, showing that in years and on occasions departures exceeded the entries, and that therefore the Japanese agreement was being well observed, and should be satisfactory to both nations. Almost anything, I find, can be proved by careful selection, in years or periods, of immigration figures without knowledge of just the exact details. I see the chairman smiling at that. For the moment I ask the committee to disregard any of these periodical figures, and simply remember that the agreement was formed for the express purpose of preventing an unwise increase in the Japanese population of the United States, and the Japanese population since the agreement was negotiated has trebled, since it was made operative it has doubled, and that it seems to me is a conclusive answer.

The CHAIRMAN. Well, would you dispute the figures? In the last year the admissions were 5,652, the departures 3,644. That would leave a net increase of about 2,000.

Mr. McCLATCHY. I would not propose to dispute any figures because I do not know what they represent.

The CHAIRMAN. The year before the figures show 6,000 came in and 4,000 left. The year before that 7,000 came in and 4,000 left.

Mr. McCLATCHY. Pardon me, how many came in, for instance, in the year 1921? What is the net?

The CHAIRMAN. 1921, 7,551 came in and 4,352 departed.

Mr. McCLATCHY. That is 3,200, is it?

The CHAIRMAN. Just about.

Mr. McCLATCHY. Three thousand two hundred. All right. Now in regard to figures of that kind, I find that the reports do not include the figures which are necessary. For instance, I wanted to ascertain how many new wives were coming in in the particular year that you referred to, 1921, and the figures could not be had, and I had to employ, under permission of the commissioners in San Francisco and Seattle, experts to go through their work and get that. Now in that year that you quote, where there are only 3,200 that came in, 2,197 of those were what is called Kankodan

brides. That is to say, new wives coming in to meet husbands, or with husbands, each one of them destined to produce on the average a family of five.

The CHAIRMAN. Is it true or not that when it was represented to the Japanese Government that they were issuing passports too freely for picture brides, the Japanese Government itself greatly restricted, if not prohibited, the issuing of passports to picture brides?

Mr. McCLATCHY. It is true, Mr. Chairman.

The CHAIRMAN. Well, that shows good faith on their part as far as that is concerned, Mr. McClatchy.

Mr. McCLATCHY. Let me make a reservation.

The CHAIRMAN. You made the admission.

Mr. McCLATCHY. Let me make a reservation and show you how much good faith it was. I will always admit facts, Mr. Chairman. I want the committee to feel that any time that I can not substantiate anything that I say here by proof of the fact I am out of the running.

The CHAIRMAN. I realize absolutely that that is the spirit of your testimony.

Mr. McCLATCHY. Now let me explain the picture-bride business. It is quite true that Japan did, because of severe criticism of that system, say that she would abandon entirely the picture-bride system as far as it applied to continental United States, and in February, 1920, she ceased to issue passports to picture brides, providing that even the passports issued must be used before the last day of August, 1920, or they would be worthless. All right. Now then what she did was to replace the picture bride with the Kankodan bride.

The CHAIRMAN. With what?

Mr. McCLATCHY. With the Kankodan bride. "Kankodan" means "excursion."

The CHAIRMAN. Oh, temporary?

Mr. McCLATCHY. Yes.

Mr. PHELAN. Explain what a Kankodan is.

The CHAIRMAN. You did not say "tentative"?

Mr. McCLATCHY. The picture bride is a mail-order bride, or was a mail-order bride. You understand that.

Senator COPELAND. They are seeking to raise the rates on mail-order business.

Senator SHORTRIDGE. This is female order business.

Mr. McCLATCHY. The picture bride was a mail-order bride. The picture was sent over to Japan, and the marriage, under the Japanese law, was recognized as legal.

The CHAIRMAN. Will you express in English what substitutes Japan made?

Mr. McCLATCHY. Yes. The difference between the two was that under the Kankodan-bride system the happy bridegroom instead of sending over a request and a picture and getting his bride back by return boat, had to go over himself and marry there.

The CHAIRMAN. I see.

Mr. McCLATCHY. But now let me show you wherein Japan did not exercise, as I would say, full good faith. Bear in mind first that she was under obligation to prevent, if possible, the increase

of Japanese population in this country, and next, that the picture-bride system, which was doing precisely that thing, and had been criticized, had been stopped. In order to assist the Japanese laborers and colonists in this country to get a Kankodan bride instead of a picture bride, the Japanese Government officially made this change in the law, that where visitors from California and the coast going back to Japan had only 30 days in which to stay there, unless they were prepared to do their conscription duty, that period was extended to 90 days in the event that they came for the purpose of getting a bride, and financial interests so arranged matters that the laborer desiring a bride could enter into a Kankodan party and secure his bride from Japan at a cost which was not much, if any, in excess of the price which would have been paid by him under the picture-bride system.

Now watch the result. Picture brides stopped on the last day of August. Their arrival ceased in our western ports on the last day of August, 1920. I have the official figures from San Francisco and Seattle. And in the year following, that is to say, up to the 1st of September, 1921, there came into those two ports 2,197 Kankodan brides, new wives, every one of them destined to raise on the average a family of five, and that I insist, was not an observance of the intent of the Japanese agreement, and did not indicate good faith on the part of Japan when she stopped the picture-bride system.

Now, in regard to the figures which have been offered from several sources as to outgoing and incoming immigration and what it represents, you will find in the report of the State Board of Control of California that for the period April 15, 1910 to December 31, 1919, that is nearly 10 years, the increase of Japanese population in the State by immigration; that is to say, the excess of arrivals over departures, was 25,086, while the corresponding increase in the Chinese population was 789. Now, bear in mind that the Chinese immigration was regulated by the exclusion act. Bear in mind that the Japanese population was regulated by the gentlemen's agreement specifically entered into for the purpose of accomplishing with regard to Japanese the same results obtained under the exclusion act with Chinese, and yet there came in in that period of 10 years, 32 Japanese for every Chinaman. That is an official report.

Now, then, in that same period—and this again is from that official report—the increase of the Japanese population in the State of California by birth was 20,321. So that the increase of Japanese population in the State from combined immigration (net increase) and birth, less deaths, was 46,000. Now, each one of those elements that entered into that increase, the element of direct immigration, net immigration, and the element of increase by birth, was a direct violation of the intent of the gentlemen's agreement formed for the specific purpose of preventing an increase of alien and unassimilable population in this country.

The CHAIRMAN. The gentlemen's agreement did not provide there should be no births, did it?

Mr. McCLATCHY. No; but it aimed to prevent those. Let me illustrate that point since you bring it up.

Senator SHORTRIDGE. By keeping the wives out.

Mr. McCLATCHY. Under the exclusion act the Chinese did not have wives. And their population did not increase. It decreased,

as a matter of fact, about 50 per cent. The Japanese did not have wives, but what did they do? They resorted to this picture-bride system, and where they did not have a wife, a wife was created for them over there and shipped over here, and the United States, whether compelled to or not by what it deemed to be the equities of the case, recognized that system, and they created a wife for the Japanese here in order that the terms and intent of the Japanese agreement should be violated. That was the difference between the situations, Mr. Chairman.

The CHAIRMAN. Well, supposing we should restrict the operation of the Japanese agreement by a quota law which would forbid only a certain number, would not that be a barrier against any liberalization of the gentlemen's agreement?

Mr. McCLATCHY. I think not. I am going to come to that later, but I will take it up now if you like.

The CHAIRMAN. Well, I do not want to suggest too many things to come up later.

Mr. McCLATCHY. I will do anything you suggest, Mr. Chairman, because I am in your hands.

Now, the same report shows that during that period the Japanese increased in California 111 per cent. The white population 22 per cent. And the Chinese population decreased 8.2 per cent. Minors increased in that same period: Japanese, 152 per cent; whites, 18.5 per cent; Chinese decreased 17.6 per cent.

The gentlemen's agreement, in the judgment of California, should have been canceled just as soon as those conditions were understood—that it gave a right to Japan conceded to no other nation. It should have been canceled just as soon as it was found that Japanese were coming into the country in excess of the intent had in mind by President Roosevelt. It is agreed by Japanese leaders, as well as by California, that the increase of Japanese population in this country is an unwise thing in the interests of both countries. That is now conceded. The only question has been as to how to stop that increase or that immigration without hurt to the pride of Japan or injustice to individuals.

There were originally three suggestions offered. One was a Japanese exclusion act. Now, California says quite frankly that she realizes that an exclusion act would be a blow to the pride of Japan, and she does not urge it. She does not desire to have a special exclusion act against Japan if the interests of this country can be subserved practically in any other way.

The next suggestion was a continuance of the gentlemen's agreement or an amendment to the gentlemen's agreement. That is objectionable, because, in the opinion of California, and I think of the Nation, we should never concede to any nation the right to say how many and who shall come into this country from that nation.

Aside from that, and without casting any reflections upon Japan, let us simply say that the operation of the gentlemen's agreement has proved a failure. It has failed to accomplish the object for which it was designedly entered into. That is a sufficient reason why similar agreements should not be attempted in the future.

In regard to the treaty, California believes that immigration from Japan should be regulated as immigration from every other country is regulated, and by an act of Congress, in the molding of which

those who are most concerned and who know most about the subject may have some voice.

Now, it is the 1911 treaty that has made possible this existing trouble, and we do not want another treaty of that kind.

The CHAIRMAN. You have not differentiated between immigrants and traders who come in here temporarily under commercial treaties—or they may sometimes reside almost permanently—but strictly for purposes of trade and commerce, such as is called for by the treaty here. Would you eliminate traders coming in here for the purpose of business, of trade and commerce, etc.?

Mr. McCLATCHY. No. What we object to is the treaty.

The CHAIRMAN. The treaty of 1911 was a commercial treaty.

Mr. McCLATCHY. The treaty of 1911 was a commercial treaty.

The CHAIRMAN. You think it is too broad in its terms, do you?

Mr. McCLATCHY. Precisely, Mr. Chairman. It expressly provides the right of entrance, and there is no restriction, there is no registration. California objects to a treaty, because it is formulated by the Department of State, and the Department of State in this particular matter has not shown that knowledge of the subject which would safeguard the interests of the States and of the Nation in this particular matter of unassimilable immigration.

The CHAIRMAN. Mind you, that is a very broad question that we have to consider in respect to immigration, how far it may conflict with commercial treaties made with European countries. And do not our restrictions extend so far as to violate the trade provisions in commercial treaties? I mean, it is not a very easy question to solve; not as easy as some others.

Mr. McCLATCHY. I realize, Mr. Chairman, that your committee is up against one of the most difficult problems.

The CHAIRMAN. You know that.

Mr. McCLATCHY. I know that, because I have been following it, and I have high respect for the ability of the committee, and am highly appreciative of the time and attention you have given it. And I am not even suggesting, much less dictating, what your policy should be.

The CHAIRMAN. It is a splendid drill for the mind, I will admit that.

Mr. McCLATCHY. Now, then, instead of these plans, what we have suggested—it is not original, of course, with us—is a simple provision for the exclusion of aliens ineligible to citizenship. We consider that that is simple and effective, not discriminatory, and least objectionable.

The CHAIRMAN. And even if it repealed the treaty of 1911, you want that the supreme law of this land?

Mr. McCLATCHY. Yes. Now, our friends the Japanese—and I have, I hope, many friends among them—have said that they thought this discriminatory. I think that they are mistaken in that. I think that as a matter of fact this is the easiest and the fairest and the least objectionable and undiscriminatory solution of the problem, and that it would be wise for them to so recognize it and accept it gracefully now. It is not discriminatory so far as Japanese are concerned, because it applies to half the population of the globe, and the Japanese form only a very small proportion of that popu-

lation. If we had entered into a provision under which among aliens ineligible to citizenship the Japanese would have been excepted and ruled out, that would have been discrimination. If we had among European nations selected one nation—European nations being eligible to citizenship—and had ruled that the French or the Germans would not be eligible, that is discrimination. What Japan asks in this case, if you resolve it, is that we discriminate in her favor, because under this proposed bill and the quota system Japan would be excepted among all the nations ineligible to citizenship, and permitted to send in her immigrants here, and that is gross discrimination, and could rightly be protested by the other Asiatic nations, and more particularly by the Chinese.

Now, it is not improper to call attention here to the fact that while Japan has suggested that legislation of this kind would be discriminatory and therefore unfair to her, Japan herself discriminates against people of her own color by refusing to admit as immigrants Chinese or Koreans, and Koreans are under her own flag. She has a perfect right to do it. I think she is wise to do it. She says that she does it because it is a proper protection to the labor of her own country, which can not meet these other peoples in economic competition. But if that is right and fair for Japan, it is right and fair for the United States, because precisely the grounds upon which Japan has excluded Chinese and Koreans are precisely the grounds upon which we say the peoples of races ineligible to citizenship should not be admitted.

You have had before you a request from the American-Japanese relations committee protesting against the passage of this provision. I want to read you an extract from a speech made by Dr. Tasuku Harada, former president of Doshisha University at Kyoto, now a professor in the University of Hawaii, who, as president of Doshisha University, came over at the instance of the Japanese Government a few years ago to investigate the California question—a very liberal, high-minded, and intelligent Japanese, whom I have met on several occasions. He is mentioned in the report of this speech as a prominent member of the American-Japanese relations committee. In a speech at Fresno, reported in the Japanese newspaper of San Francisco on July 31, the translation of which I have here, he said, among other things, this:

We do not object to-day to the exclusion of immigrants, but we must insist to the utmost that Japanese residing in America be given equal treatment. * * *

As for racial exclusion, it is practiced even in Japan with reference to the Koreans and the Chinese. East and west are alike in this regard, only we need to know that sort of ostracism is not permanent.

Then, in an interview with the Sacramento Daily News, which is Japanese, and the translation of which I have, on July 23 Doctor Harada said this:

There remains now the question of prohibiting immigration. Since the gentlemen's agreement Japan has sent no emigrants to America.

Doctor Harada, with due respect for his views, is mistaken in that. [Continuing reading:]

If there is to be still further restriction of travel the Japanese Government will demand that there be no discrimination against the Japanese in America as "persons ineligible to citizenship," and that they be given equal rights with citizens.

That is Japan's plea—that she should be given equal rights with Europeans everywhere and with our own citizens here.

I am coming down to the quota system, Mr. Chairman.

The CHAIRMAN. We try to be reasonable as to time, but there will have to be some limitation. We are aware that you have traveled 3,000 miles, and we want to have your views fully before the committee.

Senator SHORTRIDGE. What is the immediate point you wanted to develop now?

Mr. McCLATCHY. The chairman asked me to talk on the quota matter, as to the practical application of the quota.

The CHAIRMAN. Go ahead.

Mr. McCLATCHY. I will stop any time you suggest.

The CHAIRMAN. All this will be taken down. It will be before all the members of the committee.

Mr. McCLATCHY. Well, suppose I proceed with this? You were asking as to the practical result of—

Senator SHORTRIDGE. I think, Mr. McClatchy, the chairman wants to develop the effect of a quota as compared with the enforcement or nonenforcement of the so-called gentlemen's agreement.

Mr. McCLATCHY. Yes; so I understood.

The CHAIRMAN. I mean this: Supposing the present law should stand just as it is, would a quota, putting Japan under the quota, improve or be detrimental to the situation, as you view it?

Mr. McCLATCHY. It would be detrimental. And I will explain to you why. In the first place, California is unalterably opposed to replacing the proposed plan of exclusion of aliens ineligible to citizenship by including Japan in the quota; first, because it is an abandonment of the principle that aliens ineligible to citizenship should not be admitted as immigrants, because they are an unassimilable element. Next, because if you except Japan and place her in the quota you are at once acceding to her demand that she be placed on the same plane as Europeans, and that conceded, it would only be a question of time when she would demand, as she is demanding now, citizenship and other privileges.

Now, the result of the quota would be this: If you use the 1890 census there would only be about 40 Japanese coming in, and you would add, I suppose, the base of 200, or whatever it would be.

The CHAIRMAN. Yes.

Mr. McCLATCHY. Now, if you use the 1910 basis you would, as Senator Reed was figuring, jump it up to 1,440. If you use the 1920 census it would amount to 4,400. But in that event this would happen: Japan would do what she has been doing for years. She would not send over many adult male Japanese. She would send over the entire 3,000, or a great part of them, or 4,400, of brides, and those brides would promptly proceed to business with the result that the population of this country would be very much increased. That would be the result, and a further dangerous situation created.

Does that meet your suggestion?

The CHAIRMAN. You may practically eliminate the 1920 census, I think.

Mr. McCLATCHY. Well, then, we will limit ourselves to the 1910?

The CHAIRMAN. Yes.

Mr. McCLATCHY. That would be the result in that case. Now, there is still another point. It is probable that an exception would be made in a bill of this character for wives of those who are now here. Now, if that exception be made, Japan, under the past rulings, would immediately make picture brides and take them over either by the picture-bride system or by the Kankodan plan.

May I add to that, that a further objection, which I think the Senate would regard as a legitimate one, is that an arrangement of this kind, placing Japan under the quota system, would be a gross discrimination in favor of Japan against all other races who under our law are ineligible to citizenship, and might be very fairly protested by all those Asiatic races, and more particularly by the Chinese.

Senator REED of Pennsylvania. How many Japanese were there in this country in the 1920 Census?

Mr. McCLATCHY. There were 72,000 in continental United States.

Senator REED of Pennsylvania. In 1920?

Mr. McCLATCHY. Yes, sir.

Senator REED of Pennsylvania. Then if this amendment were adopted, basing the quotas on the racial origin to the whole population, the quota for Japan would be 210 under that amendment, basing the quotas on racial origin?

Mr. McCLATCHY. That is in 1910, Senator?

Senator REED of Pennsylvania. On the 1920 census.

Mr. McCLATCHY. Would be 210?

Senator REED of Pennsylvania. Two hundred and ten.

Mr. McCLATCHY. I do not understand that.

Senator REED of Pennsylvania. You probably are not familiar with the amendment.

Mr. McCLATCHY. No.

Senator REED of Pennsylvania. It is based on the idea that the quotas should not be determined according to the number of foreign-born persons, but should be determined on the racial origins to the whole population of the United States, including the 80 per cent of our population which is native born and of native parents. If that were done, you see it would diminish the quotas of these more recent arrivals.

Mr. McCLATCHY. Yes, sir.

Senator REED of Pennsylvania. If I do not interrupt the thread of your argument—

Mr. McCLATCHY. (interposing). Not at all.

Senator REED of Pennsylvania. The objections to thus putting the quotas as in Congressman Johnson's bill, and which you ask to be put in this bill, are these: The gentleman's agreement will remain in force if Japan is put under the quota law, and the imposition of the quota, whether it be 210 persons, or 1,400 persons, or whatever basis is adopted, will be merely an additional check upon the importation of Japanese. Now, I have an impression that the Japanese Government has lived up pretty well to its agreement not only with reference to this importation of Japanese into this country but also it has enabled us to prevent the smuggling of Japanese across the Canadian and Mexican borders. And I would be very fearful there will be danger of Japanese being smuggled in when we cease to have their

help to prevent smuggling, combined with the gentleman's agreement.

Now that I am making this speech, I might as well finish it. I think the improvements in Japan have been tremendous in the last 10 years. I think our dealings with other nations in the treaties we have made and in the outpouring of our generosity to the Japanese people when in distress at the time of the earthquake have had a wonderful political influence. Those two things combined have pretty well convinced our Japanese friends that war is the last thing we want. I should be very sorry to see us do anything to spoil that friendly relation in order to stop the incoming of 399 Japanese immigrants. And I believe it is that thought that is troubling most of the committee. Will you not address yourself to that?

Mr. McCLATCHY. Senator Reed, I regret that you were not here a little while ago, because I covered specific instances of what might be termed violations of the intent of the agreement. And I showed conclusively, I think, that the intent, as explained by President Roosevelt, was in fact violated, and that our proposed dealings with the Japanese would not bring about racial and international trouble. I showed by the figures that from the time the agreement was negotiated up to 1920 the Japanese population in continental United States trebled. I showed that from the time the agreement went into effect the Japanese population doubled. I showed from the figures given by our State board of control report that the number of adult incoming immigration net for a 10-year period was very large, combined male and female was 25,000; that the births in those same times were 20,000. Both elements were a violation of the intent of the agreement. And, therefore, any continuance of that agreement is unwise. Even if you concede now that there is no further increase from that cause it is, in my judgment, suicidal for any nation without any check to place in the hands of another nation the power to say who and how many of the nationals of that nation shall come to this country; and what you are doing is to say that anybody who comes with a passport shall be admitted.

The CHAIRMAN. You omitted to state one thing, that for a while Japan formerly granted passports to picture brides; when she had no quota, she granted passports to picture brides. She had to construe it so that the Japanese could go over and bring them back.

Mr. McCLATCHY. Yes; and she replaced the picture bride by the kankodan bride, leading to the same result.

The CHAIRMAN. Bringing in a large number of women?

Mr. McCLATCHY. Yes, sir. Now, in regard to the surreptitious entry, let me say that the surreptitious entry and the results that come from it are due indirectly to the Japanese agreement. If the Japanese agreement did not exist there would be checks which would prevent surreptitious entry; or which would find them with power of ejection. Among my exhibits—I do not want to take time to read them—but among my exhibits you will find proof of this fact, that a large number of those going to South America are destined for the United States. These figures will show that they go to South America, and come up through Mexico and into California. The figures are conclusive. The figures as to the increase of Japanese population you can not get around. We know they are in the country, because they have been counted.

Now I close, Mr. Chairman, and I have no doubt you are pleased. I apologize for taking so much time.

The CHAIRMAN. You need not apologize.

Mr. McCLATCHY. In conclusion, let me say this, that California regards herself as a frontier State. She has been making for 20 years the fight of the Nation against incoming of alien races whose peaceful penetration must in time with absolute certainty drive the white race to the wall, and prior to that time inevitably provoke international trouble with her friendly neighbors across the Pacific. That we want to avoid.

Now, California has gradually converted 10 or 12 States to her point of view, even when they had to change their view. First it was California's fight. She changed the view of Theodore Roosevelt. At the start he was very determinedly opposed to California's position, but after a time, and studying the problem, he became enthusiastically for it. She changed the point of view of the Immigration Committee of the House of Representatives, and when the committee visited Washington, Oregon, and California and held hearings in 1920 the committee became absolute converts. She claims she can convert anyone with fair mind who will give sufficient time and attention to an investigation of the conditions on the ground. And we have the belief that while we may not make sufficient converts in this committee at this time, if you will give us the time and attention, either personally or otherwise, the facts convert you as they have the others.

I thank you, Mr. Chairman and gentlemen.

The CHAIRMAN. We thank you, Mr. McClatchy, for the clearness with which you have stated the case.

(Supplementary material filed by Mr. McClatchy for the record is herewith appended:)

THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA,
San Francisco, February 20, 1924.

HON. LEBARON B. COLT,

Chairman Senate Immigration Committee,
Washington, D. C.

DEAR SIR: This answer to certain statements made in the letter of February 5 of the National Committee on American-Japanese Relations, and in the letter of February 9 of the Federal Council of the Churches of Christ in America, and in the letter of Secretary of State Hughes of February 8, addressed to the chairman of the House Immigration Committee, urging the elimination from the immigration bill of the provision therein which would exclude aliens ineligible to citizenship, is sent for the consideration of your committee and for presentation to the Senate.

We urge that such provision be kept in the bill as a logical, fundamental step in the exclusion of unassimilable immigration. It would exclude only those who under Federal laws, operative since 1790, may never become American citizens and are therefore hopelessly unassimilable. No charge of discrimination can lie on the part of Japan, since it applies to about half the population of the globe—all the yellow and brown races—of which the Japanese constitute a bare fraction. This provision offers a permanent solution of the problem, while the quota plan would be only temporary, since succeeding sessions of Congress might change the quota or the census basis or make other far-reaching modifications. The present gentlemen's agreement with Japan and the treaty of 1911 have been productive of most disastrous results in increasing our unassimilable immigration. We present for your consideration the following facts.

Theodore Roosevelt, when President, made the gentlemen's agreement with Japan. He is the best authority, therefore, as to what it was and what it meant. For his statements in regard thereto, see his telegram to the California

Legislature, February 9, 1900, quoted in the testimony of V. S. McClatchy in House Immigration Committee hearing January 26, 1921, page 382; also Roosevelt's autobiography, pages 411 to 414, both quoted in the McClatchy brief prepared for consideration of the Department of State, page 104.

Under the gentlemen's agreement, the United States is compelled to admit as immigrant or permanent resident, any Japanese who presents himself at a port of entry armed with Japan's passport, provided he has no contagious disease. This extraordinary concession—made by the United States to no other nation—was made at Japan's request, to save her pride, and because Roosevelt contemplated an exclusion act to prevent the development in this country of communities of Japanese, whose unassimilability and advantages in economic competition were certain, in his judgment, to breed racial strife, and disturb our friendly relations with Japan. Japan expressly agreed to so exercise this power as to not only prevent increase of Japanese population in continental United States, but also to induce decrease of such population, if possible. She further agreed that if she failed to accomplish this purpose, she recognized the right of the United States to secure the agreed result by enactment of an exclusion measure similar to that in force against the Chinese.

In the treaty with Japan of 1911, negotiated under President Taft's administration, the teeth of the gentlemen's agreement were removed, because it conceded a right of entry to Japanese for residence and business purposes, so that the Roosevelt alternative of exclusion could not be enforced against Japanese without cancellation of the treaty. While removing this safeguard, however, the treaty still left in Japan's hands the extraordinary privilege, granted by the agreement, of sending her immigrants into this country when and to what extent she desired.

Immigration statistics, like other statistics, can be skillfully juggled so as to prove, apparently, any contention. The best and the conclusive proof as to what has happened under operation of the gentlemen's agreement with Japan is comparison of the measure of our Japanese population before and after. Since Japan opened negotiations for the agreement—and up to 1920—the Japanese population of continental United States trebled, most of the increase taking place since the agreement went into effect July 1, 1903. The Chinese population, on the contrary, decreased more than one-half under the exclusion act.

In California alone, there are over 5,000 Japanese births every year; and in Hawaii the same. In the year succeeding the announced suspension of the "picture-bride" system, there came into San Francisco and Seattle 2,200 "Kankodan" or excursion brides, each destined to produce an average family of five children. The flow of Kankodan brides still continues.

The adult Japanese immigrants are hopelessly unassimilable. The American born Japanese are only less unassimilable, and have the dangerous added factor of dual citizenship, which binds them to Japan while they exercise the rights of American citizens.

Both agreement and treaty should be wiped out at once; the agreement, because of its humiliating and unprecedented concession to a foreign nation of the right to regulate our immigration, and because of the disastrous results which have followed therefrom; and the treaty, because it removes the only safeguard which would have made the gentlemen's agreement harmless under Roosevelt's theory. The recommendations of the State Department in Secretary Hughes's letter to the chairman of the House Immigration Committee, of February 8 that aliens entitled to enter the United States under the provisions of the existing treaties be excepted from the provisions of the bill, if adopted, would at once destroy one of the bill's chief merits.

There is inclosed herewith for consideration of your committee, the opinion of State Attorney General U. S. Webb, in reference to the relative power of an act of Congress and a treaty, where there exists conflict between them. Secretary Hughes evidently coincides in the conclusion of General Webb, that Congress has the right—which in this case would also seem the duty—to repeal by its own act provisions of the agreement and treaty, which do not serve in this matter the purpose for which they admittedly were intended, and under operation of which, the interests of this country are being jeopardized. The treaty itself has expired under date, and continues only under sufferance in the absence of six months' notice. There would seem to be, therefore, no impropriety in the adoption of the measure referred to. Manifestly, the Committee on Immigration in the House also held this view, or they would not have approved its retention.

With appreciation of the earnest and able work expended by your committee in seeking practical solution for our grave immigration problems, we subscribe for our respective organizations.

Very sincerely yours,

MORGAN KEATON,
Department Adjutant, American Legion.
 WM. J. HAYES,
Grand President Native Sons of the Golden West.
 PAUL SCHARRENBERG,
Secretary-Treasurer State Federation of Labor.
 GEORGE R. HARRISON,
Master California State Grange.
 PAUL SCHRAMBERO,
 By C. A. BODWELL, Jr.

STATEMENT FROM CALIFORNIA DEPARTMENT OF AMERICAN LEGION, AMERICAN FEDERATION OF LABOR, THE GRANGE, AND NATIVE SONS OF THE GOLDEN WEST IN REPLY TO JAPAN'S FOREIGN MINISTER ON THE SUBJECT OF JAPANESE IMMIGRATION AND AMERICAN IMMIGRATION LAWS.

SAN FRANCISCO. *February 8.*

This statement, made on behalf of the California State departments of the American Legion, the American Federation of Labor, and the Grange, and on behalf of the Native Sons of the Golden West, by the authorized executives thereof, is in reply to an appeal issued yesterday through the Associated Press by Japan, through her Foreign Minister, Mr. K. Matsui, to the people of the United States. In that appeal Japan alleges discriminatory treatment of her people in this country and refers to "proposals now before Congress for further exclusion of the Japanese."

There is no discriminatory treatment of the Japanese in this country. They are accorded everywhere the rights and privileges to which all aliens, or aliens ineligible to citizenship under our laws, Federal and State, are entitled.

There is no Japanese exclusion bill now before Congress, and no such measure which mentions the Japanese. Minister Matsui probably refers to that provision in the general immigration bill which would exclude hereafter as immigrants or permanent residents all aliens ineligible to citizenship.

Far from singling out the Japanese, this provision applies to all the yellow and brown races, comprising about half the population of the globe, and includes Hindus, Malays, Chinese, Japanese, and Filipinos—of which the Japanese constitute only a small fraction.

The provision is in strict accord with the Federal law forbidding naturalization of certain aliens, passed in 1790, which law has not since been changed in this particular, nor was complaint in regard to this law or its effect on the Japanese people ever made by Japan at any time until within the past few decades, since she started her policy of colonization in the United States. The provision is certainly a fundamental step in the restriction of unassimilable immigration now demanded by the Nation. It has received unanimous indorsement in national conventions of the American Legion, the American Federation of Labor, and the Grange.

Minister Matsui's appeal, while couched in courteous language, is an extraordinary attempt on the part of a foreign nation to influence the electorate of this country against legislation on a purely domestic question—immigration—because such legislation does not accord with the interests or desires of that nation and her nationals.

This appeal was preceded by an unsuccessful attempt to force the House Immigration Committee at Washington to eliminate the provision in question from the immigration bill. According to widely published press reports, the attempt was made at the instance of our Department of State because of strong protests from Japan and at the instance of our Department of Commerce because of complaint from certain American commercial interests which were threatened by Japan with cancellation of rehabilitation contracts aggregating \$200,000,000 if this provision were enacted into law.

We protest against such interference by Japan—and against such interference by any other nation—should any other nation, encouraged by Japan, be so presumptuous. Immigration is a purely domestic problem, which it is the privilege and duty of a government to determine, uninfluenced by urge or protest

from other nations. The solution reached should be determined solely by the effect it may have upon American citizenship, regardless of effect upon other nations or other peoples, and uninfluenced by considerations of trade or threat of war. Such a question can not safely be left to the determination of those who would barter the vital principle involved for a few million dollars in trade.

Under the present arrangement, and regardless of this country's views or desires, any Japanese who comes to our shores bearing Japan's passport—provided he be not afflicted with contagious disease—must be accepted as immigrant or permanent resident. No other nation permits immigration under such conditions. We should regulate our immigration—as do all other nations—in accordance with our own interests, by our own laws, enforced through our own departments by our own officials.

Since Japan insists that this country should not enact legislation which will bar her nationals, even indirectly, as immigrants, it is proper to point out that Japan excludes as immigrants to her country the Chinese and Koreans—thereby discriminating against her own color. Her claim—doubtless true—is that such policy is demanded by the interests of the Japanese people.

We are friendly with Japan and wish to remain friendly; but, as President Roosevelt pointed out, that friendship can not continue if communities of unassimilable Japanese established in this country promote trouble through economic competition and racial friction.

The gentlemen's agreement, referred to by Minister Matsui as working satisfactorily, has worked satisfactorily to no one but Japan. President Roosevelt explained to the California Legislature in his telegram of February 9, 1909, and in his autobiography that Japan agreed with him that the two races, being unassimilable, it was unwise to encourage or permit the increase of Japanese population in this country. The announced purpose of the gentlemen's agreement, as explained by him, was not only to forbid further Japanese immigration but also to decrease the number of Japanese already in the country. He pointed out that the result of the first six months' operation of the gentlemen's agreement had been entirely satisfactory, in that it had decreased the Japanese population in the United States by 2,000.

The vigilance shown by President Roosevelt, however, was not observed by his successor, President Taft, with the result that the Japanese population in continental United States is now three times what it was when Japan opened negotiations for the agreement, while the Chinese population, under the exclusion act, has decreased by more than 50 per cent.

Japanese births in the United States are about 12,500 annually, 5,000 each in Hawaii and in California, and half as many in the other States of the Union.

The gentlemen's agreement, therefore, has not only been a failure and a detriment to this country in actual result, but it is also vicious in principle, conceding to a foreign nation the right to regulate our immigration from that nation.

MORGAN KEATON,

Department Adjutant, California American Legion.

PAUL SCHARRENBURG,

Secretary California State Branch American Federation of Labor.

GEO. R. HARRISON,

Master California State Grange.

WM. J. HAYES,

Grand President Native Sons of the Golden West.

RESOLUTIONS PASSED BY FOURTH ANNUAL NATIONAL CONVENTION OF AMERICAN LEGION AT NEW ORLEANS, LA., OCTOBER 16-20, 1922.

Whereas the national oriental committee of the American Legion, Thomas N. Swale, chairman, has rendered a valuable service in the collection and collation of data on the danger from the influx of the oriental into the United States, compiled in a formal report;

Resolved by the American Legion, in national convention assembled, That said report be transmitted to the national legislative committee of the American Legion for use before the Congress of the United States in urging laws consistent with the facts set forth and the recommendations set forth in said report.

Further resolved, That this convention urge the enactment, without delay, of laws, and the negotiation of treaties if required, for the permanent exclusion as immigrants or permanent residents of the United States of all persons ineligible under the laws thereof to citizenship.

Be it resolved by the American Legion, in national convention assembled, That we oppose the efforts of certain foreign nations to retain citizenship, military or other powers over American citizens of foreign birth or descent, and call on the Government to take appropriate steps to secure the abolition of such dual citizenship.

RESOLUTION NO. 3, INTRODUCED AT THE AMERICAN FEDERATION OF LABOR, IN NATIONAL CONVENTION AT CINCINNATI, OHIO, JUNE 14, 1922.

Whereas public opinion in the United States on the subject of foreign immigration is now well crystallized and demands a positive, constructive policy on the part of the Federal Government under which our future citizens and permanent residents of foreign birth shall be selected with due regard for the present and future welfare of the Nation; and

Whereas the present 3 per cent restriction law, recently continued in effect for two years to June, 1924, was enacted because it offered a temporary plan for reducing to a fraction a threatened flood of undesirables, but it has failed to improve the general average of the quotas admitted, because the present law, in fact, recognizes officially a plan which perpetuates in kind, though not in degree, our mistakes of the past: Therefore be it

Resolved by the American Federation of Labor, in annual convention assembled at Cincinnati, Ohio, That we urge Congress to hereafter deny admission as immigrants and permanent residents to all aliens who are ineligible to citizenship under the laws of the United States.

The committee on legislation recommended concurrence in this resolution, and commended the officers of the American Federation of Labor for their efforts in combating an influx of Chinese coolie labor into Hawaii, and further recommends a continuation of said efforts, which are in accord with the policy of the American Federation of Labor on the immigration exclusion question.

The report of the committee was adopted unanimously.

(Resolutions of National Grange, as offered by Doctor Atkeson, are embodied in his statement.)

Senator SHORTRIDGE. Now, Mr. Chairman, will you be good enough to hear from our attorney general, Mr. U. S. Webb?

Mr. PHELAN. Mr. Chairman, may I interrupt for a moment? In order that the committee may understand, it was General Webb who argued the land cases and the naturalization cases before the Supreme Court, and the court agreed with his views.

STATEMENT OF HON. U. S. WEBB, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA.

Mr. WEBB. Mr. Chairman and gentlemen of the committee, I am quite appreciative of the difficulties under which you gentlemen as committeemen here labor, or as members of the Senate up there labor. I appreciate the graciousness of your action in giving us this opportunity to present the views which we have held and which have become settled in our minds, because of our experiences upon the questions which we are endeavoring to present. And while I desire to economize, so far as possible, your time, I am so anxious that you shall hear a former associate of yours that I am constrained to ask, remembering the chairman's suggestion that you would sit

until 5 o'clock, if it is the intention to close the hearing to-day? Now, that is not a threat of much time, Mr. Chairman, and I do not want it construed in that fashion; but there is but an hour and a half remaining and you, Mr. Chairman, and the others of you who have been practicing law know that frequently we can not get far into an argument that involves questions of law as well as complicated facts in an hour. And I would like to present some views that I have. But I am anxious, likewise, that the regular time be given to Senator Phelan.

The CHAIRMAN. Senator Phelan, would you like to be heard in the morning?

Mr. PHELAN. Well, Mr. Chairman, I would ask the attorney general not to consider me at all. I will ask that he make his statement. I will close, if there is any time, but I do not think it is important that I should be heard in view of the full explanations that have been made to your committee.

The CHAIRMAN. I am only one member of the committee, but you gentlemen have come a long way, and within reasonable limits I think this committee should devote the time that is necessary to hear you.

(After informal discussion as to further procedure the following proceedings occurred:)

The CHAIRMAN. You may proceed, Mr. Webb.

Mr. WEBB. Senator Phelan suggested that I take the time and eliminate him entirely from this situation; but I want to confess to you that some of us in misguided moments—

The CHAIRMAN (interposing). Supposing I say, as representing the feelings of the committee, that we desire to hear Senator Phelan.

Mr. WEBB. While we might have had that feeling for a moment it has not abided with us. We can not eliminate him, nor could we, from this or any other consideration; and we desire that he be heard on this matter, because no man is more familiar with the internal and external facts than he.

Now, gentlemen, that we may not be misunderstood in our view of those who it is our thought should be excluded from entry into the United States, and addressing myself particularly to the Japanese people—and I do so because that is the issue that has been raised here by the objections to the House bill presented by the Secretary of State; and that issue is forced also by the opposition of others to the particular provision of the House bill that it is our desire to be included in what measure this committee reports out. Speaking, then, of the Japanese people, we know them on the Pacific coast better than you on this coast can know them. And we have always, and now consider questions of immigration with questions of residence; questions of land ownership, where these people are concerned, in full recognition of the characteristics of the Japanese. It is not a race that requires race capacity. We freely admit the wonderful progress that the Japanese Nation and the Japanese people have made in the last half century. We acknowledge the wonderful industry, the capacity, the ambition to captain industry and to control affairs possessed by the Japanese. It is not that we regard the Japanese as an inferior race or an inferior people. We are not concerned with that question. It is, however, because long experience and close touch with existing conditions have shown us that it is a question of race undesirability.

The line between those who may become citizens of the United States and those who may not become such citizens was drawn a century and one-third ago in the first naturalization law adopted. That law, as has already been adverted to, withheld the privilege of citizenship in this country from all races and all peoples, except the white race. And although the act of 1790 was amended four times within the next 30 years, that language remained unchanged all through those four amendments. And that continued to be the law unchanged in that particular until in 1870, when the language was modified by extending that privilege to Africans and persons of African nativity. That was the result of the Civil War, and the wisdom of that situation is not now open to debate. But it admitted the colored race to all the privileges and immunities of United States citizenship. So that we have a single exception in a century and one-third that has passed since the adoption of the original act, and no change has been made in the policy set out by the framers of this Government and the shapers of our institutions.

In the Pacific coast attitude we have adopted the classification for all legislation and for all appeals to Congress for legislation then adopted, namely, the classification of eligibles and ineligibles—those eligible to citizenship and those ineligible to citizenship. That line, while established thus early, was not so clearly and plainly located upon the ground, until within the last year, when it was determined by the Supreme Court of the United States that "white persons" or "free white persons," as used in 1790, meant those who, under the common acceptance and the general acceptance of the term "white persons," could thus qualify.

(At this point in the proceedings the hearing was suspended for 10 minutes to permit the members of the committee to attend a vote in the Senate.)

The CHAIRMAN. We will continue the hearing.

Mr. WEBB. It was not until last year that this line was definitely located, the Supreme Court of the United States holding that the original enactment as it had been preserved down to the present day divided the peoples of the world into two great groups; on the one side is placed the peoples of Caucasian descent; it placed, in short, all the Caucasians on one side; on the other side it placed all the others, all races of color other than white. Strangely enough, that line of demarcation which was established so long ago divided the races into practically two equal classes. It was deemed then and has been deemed continuously since that the ineligible group were for racial reasons undesirable as citizens of the United States. Mr. McClatchy has developed to some extent the unassimilable character of the Japanese people. A Senator suggested this morning—Senator King, I believe it was—asked, in effect, if that unassimilable character was not the result of discrimination and treatment in the United States by those of those races who were here. And my answer, Mr. Chairman, based upon actual conditions of experience, is "No."

I do not deny that in the conduct of peoples there is discrimination. I do not deny that the white race declines to enter into that social intercourse or those domestic relations with those people as with their own. I do not deny that they are excluded from activities of the whites. But, rightly or wrongly, that condition is caused be-

cause of the conditions in the peoples themselves; because it is utterly impossible, by legislation or otherwise, to compel the white race to accept the black race or the brown race or the yellow race. And while those people in this country may feel the edge of that indisposition to affiliate or assimilate, likewise would you and I feel it if we were to establish our home in China or Japan or India and should desire to enter into full fellowship with the peoples there. Those are natural conditions over which human legislation has no jurisdiction. Hence it results—

The CHAIRMAN (interposing). Do you not mean, General, that the Japanese, by virtue of their inherited traditions and beliefs, such as their fatalistic doctrine, would hesitate to renounce their allegiance to Japan? Are not their traditions and beliefs more firmly imbedded in the orientals than in other races?

MR. WEBB. Mr. Chairman, you have wonderfully expressed an existing condition; you have wonderfully and clearly expressed the character and tradition and ideals of the Japanese people. They are different in many respects. They are different in color; different in ideals; different in race; different in ambitions; different in their theory of political economy and government. They speak a different language; they worship another God. They have not in common with the Caucasian a single trait; whether they be right or whether they be wrong, I am not contending. Whether theirs is the only true God, or ours the only true God, we will not debate. Whether their language and their systems and the institutions are superior to ours, I am not going to raise the question here. But the fact is that we are contented with those things that have come to us through the centuries; they are contented with the things that have come to them from like times. And the differences are so great that neither time nor law can change or modify it.

Like utterances may truthfully be made of the Chinese and the Hindus and of certain Pacific islanders, if their entry was involved in this matter; but for the present we have enacted an exclusion law against 400,000,000 of Chinese; by a zone system we have excluded two or three hundred millions of Hindus. So that we are not now considering those people. But the same objections which we urge and the same conditions which we point out as supportive of our objections apply to them.

This is a Government of the white race. The original legislation recognized that fact. All of the legislation since that time recognizes that fact. Originally there were no immigration laws. As the chairman pointed out early this morning, it is of but recent years. Our few million peoples at that time looking to the westward and seeing 3,000 miles of unoccupied territory, perhaps never dreamed that the day would come when from coast to coast our country would be so thoroughly covered that the exclusion of any race, aye, the limitation of immigration in any respect, would ever be required. Then they stood upon the eastern fringe of the United States, beckoning across the old Atlantic for other settlers and immigrants to come and use the vast resources of the North American Continent, or that portion of it over which our flag floated. But that invitation has been accepted, and though it was not specifically extended across the Pacific, they came also across the Pacific, and to

such extent has it been accepted that our continent is now covered, and we must concern ourselves with those measures and with those determinations which have to do with the preservation and the conservation and rights and weal and welfare of those of our people who are now here, and limit the immigration in numbers as the exigencies of our own situation require, and exclude the privilege of entering here to all races whose entry will not advance an advantage our own interests.

But it may be said by some that this is a selfish policy. I say to you, Mr. Chairman, I admit it, and I believe the time is now here when the Government of the United States must adopt a policy that may by philanthropists and religionists be determined or denounced as selfish. It is an old and true saying that preservation is the first law of nature, and we have arrived here at a time and condition when that axiom must be accepted as a national motto and as a national guide.

I know that in the mainland of Japan, a territory comparing in area with the territory of California, there are crowded approximately 60,000,000 people, living under conditions that could not support a Caucasian population of that number, and I undertake to say—I do not undertake to say; I do say—that if the Japanese population of Japan were removed and in lieu thereof there was placed upon that island 60,000,000 of white people, you and I included, and we were compelled to exist upon the productions of that island, aided by the imports thereto that they now have without any increase, that one-half of that population would starve to death inside of 20 months.

I appreciate the sad condition that confronts those people. I know they are looking toward the mainland of Asia and toward the North American Continent for room upon which to plant their people that they may be relieved at home. That is a worthy ambition. That is a Japanese national necessity. Territorial expansion they must have. New fields upon which to settle their excess population they must get. And while we hope, Mr. Chairman, that they may be successful in this, we ask that this expansion and that these new fields be acquired elsewhere than in the United States.

California has for a number of years been presenting on every occasion to those who know not of the conditions existing there, a description of those conditions. She has sought, through her own legislature, to afford so much relief as is possible, and we are asking here and now that this measure be adopted because we believe it to be indispensable to the future wellbeing of the people of the United States.

It is not, however, a California question, Mr. Chairman and gentlemen. It developed first on the American Continent in California for two reasons, at least. One was that California was nearest to them. And the other is that the climate of California, the productions, aye, the sunshine, and the showers of California more nearly approximate and equal the conditions existing in Japan.

(At this point the proceedings were suspended for 10 minutes to permit the members of the committee to attend a vote in the Senate.)

The CHAIRMAN. General Webb, you may proceed, please.

Mr. WEBB. I was speaking of the reasons that California has raised these questions, and gave as the first the reason that they have

come to California, and they come to California because in climate, geography, sunshine they get more nearly climate which resembles Japan than any other place on the American Continent, except possibly in Florida or Palm Beach, and Palm Beach has recently gained a notoriety from which I think the Japanese will keep away. But as they settled in California, expansion must come and naturally they have gone northward, to Oregon, and Washington. They have gone south to Arizona and New Mexico, and a little while ago a little trouble sprung up in Texas because they were settling there. They do not go in the line of least resistance; they go in the line of greatest attraction. And Mr. McClatchy said that the whole United States would be settled by them if this condition goes on. I do not know whether that is true. I doubt that the Northern States, like the State of Maine, would ever be settled in great numbers by the Japanese, because they will, so long as they in the world abide, they will avoid the harsh climate and the rigorous northern winters. But where the climates are modified, as upon the west and southwest coasts, they will, if unrestricted, come in great numbers.

California, meeting this question, began earlier to consider legislation, and in 1909 we had the matter before us, and as was explained, we were contemplating the passage of certain so-called alien land laws, and an alien land law was pending. And we had the protest from the then administration, and because of that protest California withdrew all those bills and adopted no legislation, but was glad to accept the promises of the Federal Government that the injuries of which she complained would be taken care of by the Federal Government.

In 1911 it was apparent to us that the conditions were not as we expected them to be, and that the so-called agreement, gentleman's or otherwise, was not being observed as President Roosevelt believed it would be and as it was during the six months to which he referred, the first six months of its operation. Other bills were introduced into the legislature of that year, and upon the representation of the administration then that a new treaty was pending and that it was desirable for California to delay legislation during the pendency of that treaty, the pending legislation was withdrawn and no action taken.

In 1913 the treaty of 1911 having been ratified and approved and promulgated, and it not being satisfactory in its terms, with the codicil or so-called gentleman's agreement attached, and it being evident that it was not going to accomplish the results which President Roosevelt believed it would accomplish, the demonstrated results of the treaty and the gentleman's agreement then showed us that additional legislation was required. And again the subject of land legislation was considered. Again there came from the Capital the expressed desire that California delay legislation upon that subject; and President Wilson sent his then Secretary of State, Mr. Bryan, to Sacramento, and Mr. Bryan visited with us a couple of weeks, and during that period I had the pleasure of a three-hour conference with him upon this question, and all phases of the question, and in that three-hours conference, I want to say to you gentlemen I am sure I used at least three minutes of it in the representation of the interests of our people. But it was pleasant and agreeable,

and I had much of the view of the then administration, and much of the views of the then Secretary of State.

The representations made to us were that it had been represented by the Japanese accredited officials that they were much opposed to the proposed legislation, and the administration feared that the passage of such act by the Legislature of California would endanger the amicable commercial relations that existed then between the United States and Japan. Mr. Bryan admitted again that it was the right of the State to legislate, but asked that lest such legislation might give offense to that great nation that California again defer action. Mr. Bryan was told that if he could make the statement that it was the view of the administration that the passage of that law might so far disturb our relations with Japan as to cause a possibility of war, that instantly California would desist. But he said that he could make no such representation; that they did not believe that such would be the result. He said it might to some degree result in a disturbance of trade and commerce between the nations. But we then felt that the failure of the measures then in force to accomplish the result desired and the result promised was so eminent and so far demonstrated that we could not longer afford to desist, for our lands were being purchased and leased and settled by these people. The alien land law of 1913 was passed at that time. There was much said about it at the time. There was a long correspondence between the State Department here and representatives of Japan. It, so far as we know, produced no great disturbance of the economic or political relations between the two countries. But there did develop a situation and a position of the State Department which I feel I am compelled to compare with the position assumed by the State Department at the present time.

And now, gentlemen, believe me, I am not unappreciative of the wonderful and proper influence of the State Department upon the affairs of government. I have the fullest confidence in the able gentleman who now occupies the position of Secretary of State. I know that his intentions are of the best, and I know that every move and recommendation he makes he believes to be to the best interests and the welfare of the people of the United States and of our Government. But, with all deference, I feel that his recommendation in one particular is error. That is, the matter of immigration or immigration restriction, the measure with which you are dealing, has to do with internal domestic concern. What we do or what you do in the matter of immigration restriction concerns our domestic policy. It is not the right of any nation to question your action upon that matter. It is not the right of any nation to be heard upon that matter. And with all deference, I believe the action of the Government of the United States upon all domestic and internal concerns should be determined by a consideration of the effect which such action will have upon our own 110,000,000 or 120,000,000 of people; upon the weal and welfare of the Federal Government, and not to be determined by the wish or urge or the protest of any other people or any other nation. Aye, more, it is significant that a little while ago Congress excluded from entrance into the United States, by the zone system, 300,000,000 of the subjects of Great Britain. And did Great Britain come to you with threat or with plea? Great Britain knew that you were dealing

with a domestic concern, and that your determination could be made without regard to her wish in the matter; and Great Britain dealt with the matter just exactly as she would feel the United States should deal were she considering the immigration question.

A little while earlier this Congress excluded from entry into the United States, by congressional action, 400,000,000 of the subjects of the empire of China without protest or complaint by China; nor has protest or complaint, so far as I am advised, ever come from that empire because of that exclusion. And why? It must be because that government, which we sometimes say is benighted and 100 years behind the times, and it has not kept abreast with the age, that that government or her diplomats knew and understood that the United States was dealing with an internal domestic concern and that she had no right to be heard, though she was prejudiced in the matter.

Discrimination indeed! The action which we ask raises the bar against six or seven or eight hundred millions of people upon this globe. And the only protest in behalf of those people has come from a nation of 60,000,000. It is a discrimination as to all of them, if you please, but it is not a discrimination in a legal sense. It is an action taken by the Government upon an internal concern, and in considering our domestic affairs we are always entitled to give the greatest of heed, aye, to let our action be guided by the effect it will have upon our Government and her people.

The CHAIRMAN. General Webb, does not Japan's position among the great world powers have some bearing upon this problem? It raises a practical issue whether you are now going to exclude them absolutely. I am saying that, as a matter of international policy, where a country has enjoyed a privilege and you are taking it away it is quite different from where she has never enjoyed it, is it not?

Mr. WEBB. Yes, sir.

The CHAIRMAN. Now, you use the word "exclusion." I do not like the use of a word unless you define what you mean. Do you mean absolute exclusion?

Mr. WEBB. I mean absolute exclusion to those who would without it come to the United States and establish here their homes.

The CHAIRMAN. You mean permanent settlement?

Mr. WEBB. I mean permanent settlement. Now, the same question arose this morning as to the Johnson bill, whether it contained the exempt classes. You assumed that it does. I say now for all whom we represent that if it does not, what we ask to be reported out should include all that class who come as travelers, tourists, and students, etc., that are usually enumerated, should be exempt from the provisions of the bill. Those who come without intention to establish their homes and remain here should be admitted.

The CHAIRMAN. Was the Johnson bill perfectly clear upon that point, because the question has been raised here whether it does have the definition of immigrant, etc.; whether it would admit under what we call the nonquota-class people who come here temporarily? They may be coming for trade. Then we run into the treaties. I would like for the delegation from California to define what they mean by "exclusion": that is, whether they mean absolute exclusion or whether they mean that it may be qualified by the commercial treaty, which of course fundamentally provides that they are not to remain here

permanently, but still they might reside here for a long period of years in connection with trade and commerce. You were to address yourself, perhaps, as Senator Shortridge suggested, to the legal situation, naturally, and we are troubled a good deal on that point to know how far the quota proposition may be in conflict with a commercial treaty. You do not like that treaty provision, do you? You say it is too broad. Now, we are dealing with a practical situation.

Mr. WEBB. Yes; I understand and appreciate that difficulty.

The CHAIRMAN. Suppose you take that up in the morning, Senator Phelan.

Mr. PHELAN. Yes; I will. I will not interrupt the general.

Mr. WEBB. Then we will pass that. I had already suggested that we are dealing with an internal policy of the Government. In a letter addressed by the then Secretary of State to the Japanese ambassador in 1913, after the passage of the California land legislation, and in reference to it the American representative expressed himself, though he occupied the same position at that time which Secretary Hughes occupies now, in manner quite different from that expressed by the present secretary. Both, however, recognize this to be a domestic question. In the letter which has been referred to the Secretary of State, Mr. Hughes, says:

There can be no question that such a statutory exclusion will be deeply resented by the Japanese people. It would be idle to insist that the provision is not aimed at the Japanese, for the proposed measure (sec. 25) continues in force the existing legislation regulating Chinese immigration and the barred zone provisions of our Immigration laws which prohibit immigration from certain other portions of Asia. The practical effect of section 12 (b) is to single out Japanese immigrants for exclusion. The Japanese are a sensitive people and unquestionably would regard such a legislative enactment as fixing a stigma upon them. I regret to be compelled to say that I believe such legislative action would largely undo the work of the Washington Conference on Limitation of Armament, which so greatly improved our relations with Japan.

The manifestation of American interest and generosity in providing relief to the sufferers from the recent earthquake disaster in Japan would not avail to diminish the resentment which would follow the enactment of such a measure, as this enactment would be regarded as an insult not to be palliated by any act of charity. It is useless to argue whether or not such a feeling would be justified; it is quite sufficient to say that it would exist. It has already been manifested in the discussion in Japan with respect to the pendency of this measure and no amount of argument can avail to remove it.

With all deference, gentlemen, I say to you that that is an unfortunate declaration of national policy if it is to go out as such. This Government should not withhold action upon an internal domestic concern that is demanded by the interests of Government or her people because some other nation may take offense. Between nations as between individuals only that offense is to be countenanced which is justified. The individual who takes offense without cause wrongfully takes offense, and the nation that takes offense without cause wrongfully takes offense. And if we are to withhold action upon this question because Japan may take offense, then Japan determines our internal policy, and not the United States of America. If we are to withhold action because Japan demands that action be withheld, then Japan determines our internal policy.

But I am not unmindful of the rank and class of this Nation. I say we have reached that commanding position among the world powers that we can afford upon international questions not only to be generous but to go further; and when dealing with international

questions we can afford, if need be, to recede from abstract rights in a measure and to give to another, and particularly if a weaker power, more than the law of nations would give. But in dealing with our internal concerns whenever we trade that which will best advantage our people and our Government in its internal policy for or at the behest of another nation we trade internal self-respect for external accord.

The CHAIRMAN. General Webb, that is perfectly true, as a matter of logic, but logic was made for life and not life for logic. Now, here in the pending immigration legislation it is proposed virtually to cut off Italy. She now has a quota of 42,000. We have about a million and a half Italians here in this country whom we want to Americanize. There is a very strong feeling in southern and eastern Europe against discrimination. Now, of course, we have got a right—no one denies the right, but Italy has protested. You say it is not Italy's prerogative to protest against our domestic policies. Ah, yes; but this family of nations in certain ways is connected. Your proposition is based upon the sovereignty idea; the idea that we have a right to do just as we please and not recognize any obligation to any other nation. Now, let me say that if I could modify this idea I could often avert war. Your abstract logic is all right, but there are other considerations which must be taken into account. I am giving you an example in the case of Italy; and it is a practical example. Shall we exclude Italy upon the ground that the Italians are less desirable than the Germans? We fought with Italy as an ally. Italy might say, "Are you going to admit 5 Germans to 1 Italian because you regard 40,000,000 people in Italy as undesirable?" Of course, we have a right, but viewing this Nation as one of the family of nations, we must recognize that we have certain obligations. If Italians were a menace to the country, as you view the Japanese, then our obligation to our own country might be the stronger. But it will not do to apply your logic abstractly in every case. You must present some strong case to show that it would be a menace to our country. Everything is relative. And the point you make as to your proposition is that the Japanese situation is a positive menace to the American situation and everything American.

Mr. WEBB. Yes, sir. Mr. Chairman, I think I see something of your difficulties. I know that it is impossible to equitably adjust any restriction of immigration. What appears to be unfortunate and possibly unjust must arise. But, Mr. Chairman, you, in referring to the European immigrant this morning said—I believe you said the second or the third generation was American, no longer to be viewed in any other light; all things which were foreign had dropped away from him, and he had become an American citizen; and that is correct. Hence, I do not know how you can adjust the conditions and the equities between Italy and Germany and England and other European countries. I do not know how that can be done. But if you err, if you admit too many of one and too few of the other, you are doing here no internal injury, because they are people like us, and if you get too many of the Caucasian they are one nation, and not enough from the other, on equitable grounds,

still you are getting a people that will settle among us; that will serve us well.

The CHAIRMAN. We use the term "western civilization."

Mr. WEBB. Yes, sir.

The CHAIRMAN. Now, these people are governed essentially by common ideas, and they are quite distinct from the orientals.

Mr. WEBB. Yes, sir.

The CHAIRMAN. I tried to draw that distinction. You might say that the native born of native parents, when you reach the third generation, are all Americans, and this is especially true with respect to the races which are commonly classified under the term "western civilization."

Mr. WEBB. Yes; I was struck by your expression. The native born of American parents. I agree with you absolutely, if you draw them from our race.

The CHAIRMAN. The white race.

Mr. WEBB. Yes, sir. But I want to say to you that once a Japanese always a Japanese. I want to say that you can go on down through the ages and the product will still have all the characteristics—

The CHAIRMAN (interposing). Now, you argue that, and I am firmly convinced of that.

Mr. WEBB. Yes. I am thankful that you are convinced of it.

The CHAIRMAN. I do not speak for any other members of the committee.

Mr. WEBB. Now, then, applying these conditions, we are not concerned with the one class of immigrants, because we will make of him a citizen like ourselves shortly; a little while, timely speaking, but we know that the Japanese, and likewise the Chinese, if they were admitted, will remain always wedded to their own institutions and their own institutional life, and the Japanese particularly under a dual or double citizenship; and he is the only human being in the world that has ever professed to be able to owe allegiance to two governments, and discharge both allegiances properly. But we know that he will continue, and it would produce, if you please, Mr. Chairman, another race question. We have one race question in this country. I saw the chairman looking at the clock, and I am hurrying along. We have struggled for more than a century with one race problem in this country, and it is open to argument whether we are nearer a solution than we were a hundred years ago. We have an unassimilable people in the Japanese. And I want to say to you that if the Negro had had the capacity, the efficiency, the ambition, the energy, and the power to accomplish possessed by the Japanese, all south of the Mason and Dixon line would long ago have been entirely black. We may talk about how we shall treat these people, but the white American will not live upon conditions of equality with the Negro nor with the Japanese, nor with the Chinese, nor with the Hindu.

It is idle to preach that we should extend a more hospitable spirit. We may repeat, if you will, however loud and however often the phrase that the Christian of old repeated, "Peace on earth and good will to men," but there can be no peace on earth and good will to men so long as you try to combine these uncombinable and irreconcilable elements. We must deal with those things, regretting

that their existence and the way they are pressed upon us compels us to be in a measure harsh. But they are beginning to know the Japanese people in half a dozen other States as we know them upon the Pacific coast, for seven or eight States have passed similar laws to the California alien land laws, and in three or four action is pending, and no State has passed a law until the Japanese came. In every instance we have the wrong view until we know the actual facts. But as they begin to settle, and as the States learn the conditions, then legislators get active. Now, then, practically seven or eight States, I think it is, have adopted the alien land policy.

Every single State and organization that understands the question has resolved in favor of the provision in the Johnson bill—that of exclusion. I know that there are elements, organizations, that have been before the committees, and will be before the committees, urging that the Japanese be not treated differently than the European, or that the oriental be not treated differently than the European, and much has been said here, and much may yet be said concerning the quota, and if it reduces them to 300 or 700, or 1,400, will that not eliminate? And I am not going into that. Mr. McClatchy has given the answer to that question.

As you reduce it to 300 or 700 you ask why should we protest against that. I want to ask why is Japan so concerned in having the right to admit so few? That would do her substantially no good.

Now, Mr. Chairman, it is not enough to say that national feelings will be hurt or dignity will suffer a blow. That will not do. We deal with substantialities. We deal with the real condition. And Japan is not insisting upon the right that 300 be admitted if you adopt one census, or 500 or 700 in another, because that will save dignity from a fall or feelings from a pain. She has no right to, for what we ask places Japan upon the same plane and the same basis as every other oriental nation. But we want, we desire that the barrier be raised, that we meet this question at this time while it is a domestic question. But as to those subjects of other countries who have entered here, and as to our treatment of them, and the conflict that may result, international questions will be presented, and it is to that point that I propose to read the letter of the Secretary of State to the Japanese ambassador, dated July 16, 1913, and it is short:

I am quite prepared to admit that all differences between human beings—differences in appearance, differences in manner, differences in speech, differences in opinion, differences in nationality, and differences in race—may provoke a certain antagonism, but none of these differences is likely to produce serious results unless it becomes associated with an interest of a contentious nature, such as that of the struggle for existence. In this economic contest the division, no doubt, may often take place on racial lines, but it does so not because of racial antagonism but because of the circumstance that the traditions and habits of different races have developed or diminished competitive efficiency. The contest is economic; the racial difference is a mere mark or incident of the economic struggle.

But it is the last paragraph that expresses more particularly the thought which there was recognized, the thought which the chairman suggested, the difference of race, etc.:

All nations recognize this fact, and it is for this reason that each nation is permitted to determine who shall and who shall not be permitted to settle

in its dominions and become a part of the body politic, to the end that it may preserve internal peace and avoid the contentions which are so likely to disturb the harmony of international relations.

Now what does that mean? Mr. Hughes says: "Admit them, though you have a right, as a domestic matter, to exclude now, because if you do exclude now they will become offended." He would avoid giving offense now.

The Secretary of State 11 years ago, speaking from this same building, said:

We may exclude now [that is, then] because if they be admitted the differences in race will produce here in our own land internal clash and conflict, irreconcilable differences that will result in the production of international questions, for admit them and they still remain the subjects of the government from which they come, still are the objects of that government's protection and solicitude, and it is the right of that government to follow them here and protect them here.

The negro question has been handled in a fashion; but I want to say to you that if those 3,000,000 negroes had been backed by a nation powerful and ranking strong among the nations of the earth, the gunboats of that nation would have surrounded that portion of our country in which the question has been existing for the century and a half. And I say to you that it is the international aspect of this question that is graver by far than the domestic. I say to you that the offense which Secretary Hughes said you may avoid by changing the Johnson bill is of slight importance compared with the great international questions that must arise if this people be established here; because they are so different that conflicts will arise, clashes will occur, and they will be a thousandfold more serious than the protest which Japan now makes or offense which action adverse to her wishes may give.

That is really, Mr. Chairman, the big question here. Unassimilable peoples must be excluded because of the conflicts and dangers of the future. Assimilable people may safely be admitted, because we will make of them American citizens.

And, added to all that God has done to establish the dissimilarities, the policy of this Government has added one other—that of incapacity to become citizens of the United States—and that feature is more significant than any other; because, though here they must and will remain citizens and subjects of another government, owing allegiance to that government, and though we have them here, though we give to them all the benefits of this glorious country except its political privileges, in time of danger, aye, in time of war, they can not be compelled to take up arms in defense of the country in which they live; but, on the contrary, if the conflict happens to be with their government, they will leave us and take up arms in support of the flag to which they owe allegiance and turn their guns against us who have thus hospitably entertained them.

Finally, gentlemen, this domain belongs to the people of the United States, belongs to the white race, belongs now and I trust forever to those who are or who may become citizens and who will have upon them the obligation in law and the ambition in heart and mind to uphold and defend this Government against all the world.

It is a large question, I grant you. I know that the questions you have before you, the difficulties you have in reconciling the activities

or numbers that may be admitted from European countries, are perplexing and annoying, but they do not concern our internal affairs. If you make a mistake, as indicated, and admit too many from one country, that can be rectified. They can be assimilated. In time their differences in ideas and in other things will go away.

Gentlemen of the committee, I say to you that what is now demanded in this country is a policy of dignified firmness; and I trust that no action upon our domestic affairs here taken by this Congress will substitute for the policy of dignified firmness that of pusillanimous fawning, that of unjustified yielding to the demands of a nation that has no right to make the demands. So far as our internal interests will permit us to comply with the wishes of the other nations, comply with them; but when the sacrifice becomes such that we can not make it without doing ourselves an irremediable injury, without doing violence to our own interests and our own people, then the demand ought to be refused. I thank you.

The CHAIRMAN. General, may I ask you a question? This committee have decided nothing on this question, you know, but there are three courses open, if you please. One is the position you take, to adopt the provisions of the Johnson bill. Another course is to do nothing; leave the present situation just as it is, with the gentlemen's agreement. And another course, which has been suggested by several members of the committee, is to apply the quota to the Japanese in the same way it is applied to the European nations. Now, do you believe that the application of the quota would be an improvement on the present situation or do you believe that it would not? I think Senator Reed suggested, although there has been no decision about it, that it might operate as an additional barrier upon Japan⁴ so far as liberalizing the gentlemen's agreement is concerned; that is, she would be positively bound then by a fixed number. Now, what all of us want is light, and if you have any view upon that proposition as to whether Japan should be brought under the quota, or whether the present situation should remain, I would be very glad to have you say a word on that.

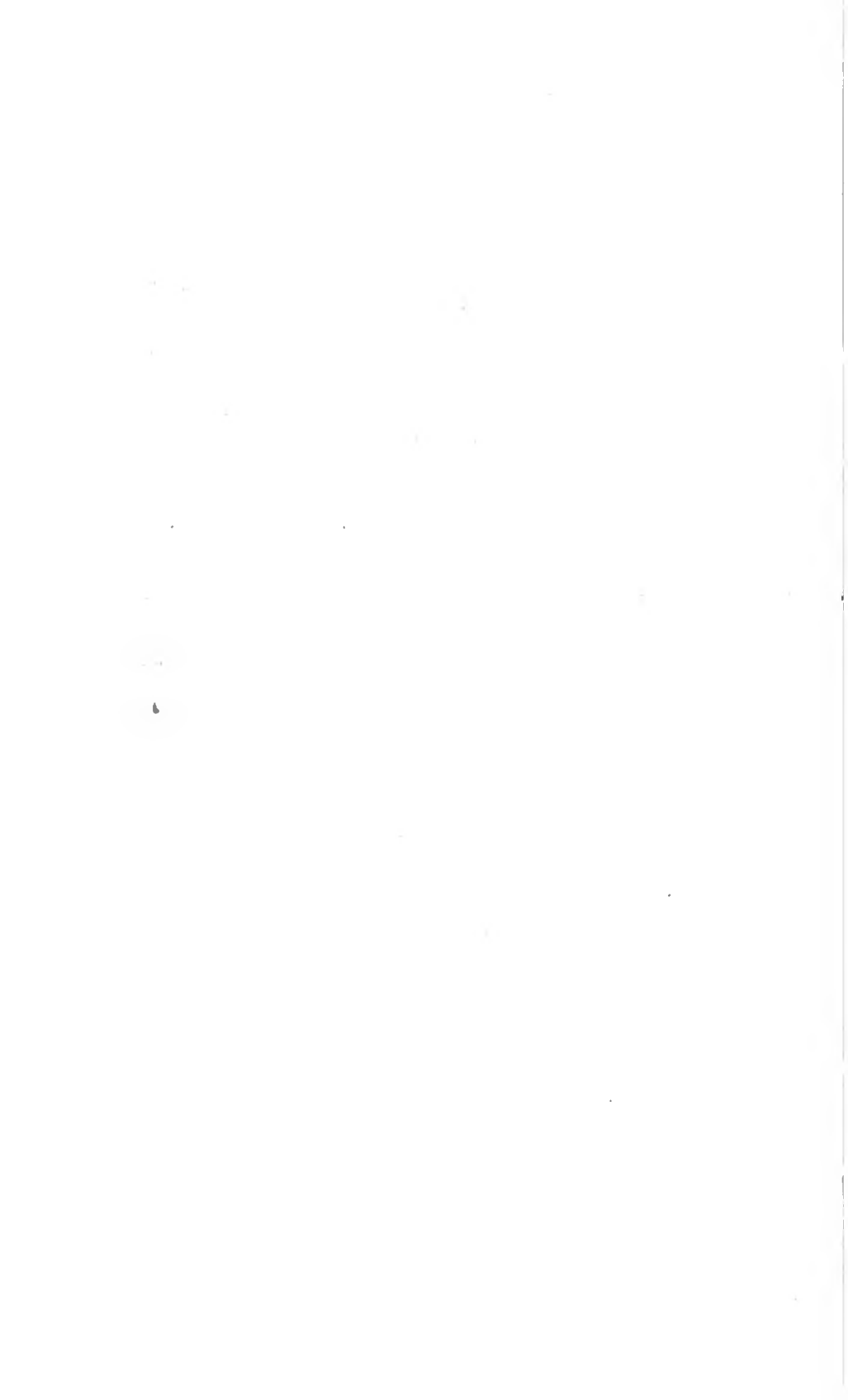
Mr. WEBB. I can not give you, perhaps, a satisfactory reason for it, but those who have gone through this thing and know its history and know the conditions do not want the quota, and we would rather bear the ills which we now have than fly to others we know not of. We do not believe, Mr. Chairman, that the recognition of the right to come will help us.

The CHAIRMAN. I am inclined to take your view of the situation.

Mr. WEBB. I hope, Mr. Chairman, that you will not be as the chief sinner of his day when Paul was talking to him, and say, "Almost thou persuadest me," but that you will be able to say, "Altogether thou persuadest me that we must now take care of ourselves."

The CHAIRMAN. We stand adjourned until 10.30 to-morrow morning.

(Thereupon at 4.50 o'clock p. m., Tuesday, March 11, 1924. an adjournment was taken until 10.30 o'clock a. m. of the following day, Wednesday, March 12, 1924.)



JAPANESE IMMIGRATION LEGISLATION.

WEDNESDAY, MARCH 12, 1924.

UNITED STATES SENATE,
COMMITTEE ON IMMIGRATION,
Washington, D. C.

The committee met, pursuant to adjournment, in the Immigration Committee room, the Capitol, at 10.30 o'clock a. m., Senator LeBaron B. Colt presiding.

Present: Senators Colt (chairman), Keyes, Willis, Reed of Pennsylvania, and Copeland.

Also present: Senator Samuel M. Shortridge, of California.

The CHAIRMAN. The committee will come to order.

I have the following telegram, from Thomas Burke, dated Seattle, Wash., March 10, 1924 [reading]:

SEATTLE, WASH.

Senator LEBARON COLT,
United States Senate, Washington, D. C.:

While supporting the policy against Japanese immigration our people earnestly protest against the clause in the immigration bill refusing admission to this country of aliens ineligible to citizenship. This is obviously aimed at Japan, a slap in the face of a neighboring state that has never given us cause of offense. It ignores an existing treaty with Japan as well as the understanding commonly known as the gentleman's agreement. It spurns the comity of nations. It goes out of its way to give gratuitous offense to a friendly nation. There is a right way and a wrong way for doing the right thing. This I respectfully submit is the wrong way. It is not necessary to the enforcement of Japanese exclusion for the same end, namely, barring out Japanese immigration can be as effectually attained by a treaty or the appointment of a commission which would clear up any misunderstanding and open the way to a continuance of good neighborhood between the two countries and give a practical example and plain proof of our devotion to peace with justice.

THOMAS BURKE.

I received the following telegram from San Francisco, from the San Francisco Chamber of Commerce [reading]:

SAN FRANCISCO, CALIF., *March 11, 1924.*

HON. LEBARON B. COLT,
Chairman Senate Immigration Committee, Washington, D. C.:

In connection with hearings on present immigration bill, we desire to formally present our views on the clause affecting Japanese exclusion as follows: "San Francisco Chamber of Commerce believes that it were unwise to build up a permanent population in the United States of those ineligible to citizenship. This policy should be accomplished not by an act of Congress but through the negotiation of a treaty providing therefor, because Congress could not enact a law which deprives any nation of privileges already guaranteed and exclusion can best be secured through amicable treaty agreement."

SAN FRANCISCO CHAMBER OF COMMERCE.

That is from the San Francisco Chamber of Commerce. In other words, the San Francisco Chamber of Commerce, while it believes in the principle of exclusion, believes that it should be negotiated by treaty and not through legislation.

I have also received this letter from the Secretary of State, which I will read [reading]:

DEPARTMENT OF STATE,
Washington, March 11, 1924.

DEAR SENATOR COLT: In view of erroneous statements that have been made concerning my views with respect to a quota for immigrants from Japan, permit me to say that I do not wish the introduction of any Japanese laborers. I do desire to avoid the resentment and difficulties which will arise from a statutory exclusion. I have pointed out that if a quota were established from the Japanese under the provisions of H. R. 6541 it would in any event cover a very small number and would give us a double control through the quota and through the agreement. I have endeavored to make it clear that whether or not there was a quota established we should retain the agreement with the Japanese Government for the exclusion of laborers. We should have cooperation which I believe would be more effective to prevent the introduction of any Japanese laborers than the proposed exclusion measure. Again let me say that I am not seeking to have any Japanese laborers introduced, merely to avoid the affront of the enactment of an exclusion provision.

I am, my dear Senator Colt, sincerely yours,

CHARLES E. HUGHES.

HON. LEBARON B. COLT,
*Chairman of the Committee on Immigration,
United States Senate.*

Now, Doctor Gulick, we will hear you.

**STATEMENT OF MR. SIDNEY L. GULICK, EXECUTIVE SECRETARY
NATIONAL COMMITTEE ON AMERICAN JAPANESE RELATIONS,
NEW YORK CITY.**

The CHAIRMAN. Doctor Gulick, state your name and whom you represent, please.

MR. GULICK. I am speaking first for Dr. Charles S. MacFarland, who is the general secretary of the Federal Council of the Churches of Christ in America. He was unable to remain, and he asked me to make the statement which he would make if he were here, and to present the documents which he would present. The Federal Council of the Churches of Christ in America is the officially established organ of 29 church bodies. The number of church members in these 29 denominations exceeds 20,000,000.

Now, the first thing I present is the action taken by the Federal Council of the Churches of Christ in America at its annual meeting in December last. There are two resolutions which were then passed which I would like to present for the record. First, with regard to immigration. [Reading:]

We record our conviction that in the laws necessary for the regulation and limitation of immigration the greatest possible care should be taken to conform to the ideals and principles of justice and humanity. Authority for clemency in individual cases of special hardship should be intrusted to the Secretary of Labor or to a suitable Federal immigration board. Our immigration laws should be administered with courtesy and consideration.

So that was with reference to immigration matters. Second, with regard to the treatment of aliens. [Reading:]

We declare our conviction that all persons residing within the United States and subject to its jurisdiction should be given friendly and equal treat-

ment under just and equal laws, regardless of race, color, or religion. We deplore as unpatriotic and un-Christian movements, policies, and programs in many sections that discriminate against and humiliate aliens, merely as aliens, or as aliens ineligible to naturalization, and that single out certain races and religious groups for discriminatory and unfriendly treatment. We urge a Federal law raising the standards for naturalization and granting the privilege of citizenship to all persons lawfully residing in the United States who duly qualify, regardless of their race, color, or nationality.

In February the administrative committee of the Federal Council of the Churches of Christ in America passed this resolution [reading]:

ACTION BY THE ADMINISTRATIVE COMMITTEE OF THE FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA REGARDING THE HOUSE IMMIGRATION BILL, H. R. 6540.

Resolved, That the administrative committee of the Federal Council of the Churches of Christ in America, in harmony with the principles repeatedly advocated by the Federal Council and its executive committee, deplores the proposal of the immigration bill (H. R. 6540) to deny admission to the United States of "aliens ineligible for citizenship"—

First, because it abrogates treaties and annuls international agreements by an act of Congress without consultation or conference with the nations with which the treaties and agreements were made; and

Second, because it is unnecessarily and inevitably offensive to the nations affected thereby, and certain to be resented as an unfriendly act.

NEW YORK, N. Y., *February 8, 1924.*

Mr. Chairman, these actions are not taken by the representatives of the churches regardless of the thought of the vast majority of those whom this council represents; after very careful study these actions were taken.

Now, as indicating somewhat of this thought and this opinion there are two additional brief documents to be presented. One by the Massachusetts Federation of Churches. There are a number of State federations of churches, and we have a resolution on this particular issue which was passed by this particular federation. It reads as follows [reading]:

THE MASSACHUSETTS FEDERATION OF CHURCHES,
Boston, March 10, 1924.

The Massachusetts Federation of Churches, by action of its committee on legislation February 28, approved by the executive committee March 4, opposes the provision in the Johnson bill (H. R. 6540), a bill to limit immigration, stated on page 16, lines 14-15, viz, "(B) No alien ineligible to citizenship shall be admitted to the United States."

The ground is that this will apply only to Japanese and is directly aimed at their exclusion. We therefore support the Federal Council in their opposition to this feature of the bill. We believe that Japanese immigration should be restricted, but that this can be done by general provisions which will not reflect upon a friendly nation and by diplomatic understanding with the Japanese Government.

Respectfully yours,

SAMUEL A. ELIOT,
President.
AUSTIN RICE,
Secretary.
E. TALMUDGE ROOT,
Executive Secretary.

That is the action of one of the State federations of churches.

I also hold here a copy of a letter addressed to the chairman of the committee by James L. Barton, representing the American Board of Missionaries for Foreign Missions. This is one of a number of

very important foreign-mission boards that have missions in Japan, and later Mr. Turner will speak for the whole group of foreign-mission boards. This letter reads as follows [reading]:

MARCH 5, 1924.

Senator **LEBARON B. COLT**,
Washington, D. C.

MY DEAR SENATOR COLT: I understand that the immigration bill (H. R. 6540) has been accorded a hearing, especially that part which refers to Japanese immigration.

I represent a foreign-mission board that has been carrying on work in Japan for 50 years. It is established and is now helping to support a great university at Kyoto, with a student body of 3,600, and a girls' college in Kobe, with over 500 students, and has work on every main island of the Empire and in many of the very largest cities. We have a body of 70 American missionaries in Japan supported by this board. Since its beginning at least \$6,000,000 has been put by this board into its educational, evangelistic, and philanthropic work.

In behalf of the large constituency of this board, its officers and members, and in behalf of the American missionaries now in Japan, I want to file a protest against the passage of an immigration bill which abrogates by act, without consultation with the Japanese Government, provisions of a solemn treaty and gentleman's agreement duly ratified between Japan and the United States.

It is our conviction that the matter of immigration from Japan can be far more satisfactorily arranged by mutual agreement than by legislative enactment. We could hardly expect to maintain our integrity with any country if a treaty is abrogated by Congress in the establishment of new regulations affecting the interests of the nation with whom the treaty is made. Let me, therefore, urge upon you, and through you upon your committee, that you do not report favorably upon this bill, but that in place thereof you recommend a new movement for a new agreement with Japan, or the drawing up of a new treaty which shall represent the mutual agreement of both parties. I am confident that you will find Japan will meet the United States half way.

I have the honor to remain,
Your obedient servant,

JAMES L. BARTON.

The CHAIRMAN. Doctor Gulick, that seems to be the substance of the position taken by the San Francisco Chamber of Commerce in a telegram to me.

Mr. GULICK. Yes; I think it is in very close accord.

On behalf of Doctor MacFarland, general secretary of the Federal Council of the Churches of Christ in America, I submit these documents without further comment.

In the second place, Mr. Chairman, I have the honor to represent the National Committee on American-Japanese Relations. The chairman of this committee is Mr. George W. Wickersham, who was expected to be down here for this hearing, but the exigencies of his official duties there have taken him to Albany and made it impossible for him to be present. And he asked me personally to express his deep regret that he is not able to come here and with his own voice express to you his convictions in this matter.

The CHAIRMAN. This is a national committee on what?

Mr. GULICK. The National Committee on American-Japanese Relations. Mr. Wickersham is chairman, and I am executive secretary. I wish to be understood as appearing here in the latter capacity, as executive secretary.

Now, Mr. Chairman and gentlemen, I would like to read a one-page statement by Mr. Wickersham. He first refers to the resolutions passed by the National Committee on American-Japanese Relations about two weeks ago, as follows [reading]:

RESOLUTION OF THE NATIONAL COMMITTEE ON AMERICAN-JAPANESE RELATIONS
CALLING FOR THE ELIMINATION OF SECTION 12 (B) OF THE HOUSE IMMIGRATION
BILL, H. R. 6540.

Whereas the proposal in the immigration bill (H. R. 6540) to deny to aliens "ineligible to citizenship" the privilege of admittance to the United States—sec. 12 (b)—contravenes the existing treaty with Japan and abrogates the gentlemen's agreement without conference with the Japanese Government; and

Whereas acts of Congress overriding treaties and international agreements, while constitutional, in effect invade the function of the treaty-making power and are unnecessarily offensive to nations affected thereby, tending as they do to the creation of unfriendly feelings and to the disturbance of stable international conditions; Therefore

Resolved, That we respectfully urge the Senate and House of Representatives to eliminate said proposal—sec. 12 (b)—from said bill now under consideration (H. R. 6540) before passing it.

NEW YORK, *March 10, 1924.*

The statement by Mr. Wickersham is as follows [reading]:

THE BEARING OF THE HOUSE IMMIGRATION BILL (H. R. 6540) ON AMERICAN-JAPANESE
RELATIONS.

[A statement by George W. Wickersham.]

In conveying to the Senate Committee on Immigration the accompanying resolution of the National Committee on American-Japanese Relations, permit me to emphasize the following points:

1. Were there no other possible way of dealing with the situation the case would be different. The proper way by which to change a treaty or an international agreement, it would seem to me, is by treaty or agreement negotiated through the Department of State. If Congress deems such change advisable, a request made to the Executive will without doubt bring such action.

2. Responsible Japanese have repeatedly declared that if the gentlemen's agreement is not satisfactory, the Japanese Government will gladly reconsider the whole matter and make some new arrangement. In the face of such assurances from Japan of desire to maintain neighborly relations with us, and in view of their earnest desire that the United States should not pass discriminatory and inevitably humiliating legislation aimed at Japan, the passage of the proposed act by Congress would certainly be resented by Japan as a gratuitous act of unfriendly character.

3. The need for the proposed measure is far from obvious when we consider the facts in the case. The statistics of admittances and departures of alien Japanese, published by the Commissioner General of Immigration, show that since the gentlemen's agreement went into effect (1909-1923) 22,737 more males left the United States (including Hawaii) than entered; and that the net increase by immigration of Japanese in the continental United States during these 15 years has been 8,681, consisting of women and children.

It is evident that the Japanese Government has been administering the gentlemen's agreement with careful fidelity. Naturally the proposed measure would convey an implication to the contrary which a proud and sensitive nation would resent.

4. The statement that the proposed measure (H. R. 6540)—section 12 (b)—is not particularly aimed at the Japanese, for it concerns all peoples "ineligible for citizenship," is too specious to need extended reply. It is enough to point out that practically all such peoples are now excluded by existing laws, the Chinese by name, and the Hindus, Thibetans, Dravidians, and many other peoples of Asia and Polynesia by definition of latitude and longitude. The real purpose of the proposed measure is the abrogation of the gentlemen's agreement with Japan.

If there is any sound reason for such congressional action, I have not seen it stated publicly.

NEW YORK, N. Y., *March 10, 1924.*

Those, Mr. Chairman, are the resolutions and judgment with regard to this matter by Mr. Wickersham, which I wish to submit in

his name. And with this I wish to submit for your record a statement of the purposes and the policy of the national committee on American-Japanese relations. I will not read it.

(The statement submitted is as follows:)

NATIONAL COMMITTEE ON AMERICAN-JAPANESE RELATIONS,
287 Fourth Avenue, New York.

STATEMENT OF PURPOSE OF THE COMMITTEE ON AMERICAN-JAPANESE RELATIONS.

The United States and Japan have for two generations maintained unique relations of mutual consideration and good will. The earliest treaty pledged "perfect, permanent, and universal peace, and a sincere and cordial amity between the United States and Japan and between their peoples, respectively, without exception of persons and places." The return by the United States to Japan of the Shimonoseki Indemnity (1883), the generous gift by Japan to San Francisco for the relief of suffering at the time of the great earthquake and fire (1906), the mutual agreements by the United States, Japan, and other powers for maintaining the peace of the Pacific and for limiting naval building programs, the relief funds sent by America for sufferers in Japan by earthquake and fire, and other acts on both sides have throughout the decades manifested the spirit and fulfilled the mutual pledge of that first treaty.

Growing contacts and intimacy of relations have brought to light questions of exceeding difficulty resulting in ominous states of mind and feeling. They are questions concerning the significance of race difference, immigration, assimilation, and naturalization, treaty rights, population and territory, relations with China, economic competition, and national policies. On all these matters there is much misunderstanding in both countries, and no little positive misinformation. Unethical practices also on both sides of the Pacific aggravate the situation. These questions manifestly require careful, broadminded, and impartial consideration. They can not be stated, much less can they be solved by offhand, popular dogmatism.

Causes of irritation must not be left to work out their inevitably disastrous consequences. Courageous and loyal patriots in America and in Japan must face the facts. They must insist that all matters of difficulty can and should be settled by reason, conference, and conciliation. Steps should be promptly taken in both countries to provide the people with the needed information, and to secure the necessary changes in the national mind. "Sincere and cordial amity" must be maintained, misunderstanding removed, wise policies adopted, and appropriate legislation enacted in both countries.

This committee on American-Japanese relations has been formed in order to attain these ends, in so far as their attainment depends on the people and Government of the United States. We rely on enlightened leadership in Japan to take corresponding action in that land. International good will between America and Japan depends on what America and Japan both do. We both must practice the inescapable principles of right international relations. Deeds are what count, not words.

For the attainment of the ends thus defined, this committee adopts the following statement of objects, and urges its wide indorsement by American citizens and organizations.

PROGRAM.

1. Cultivation of an Informed and rational public opinion in the United States in regard to Japan, inspired by a friendly spirit and sympathetic understanding of her needs and problems.

2. A square deal for Japanese in the United States.

3. Specifically we propose:

(a) To oppose actively the jingo, anti-Japanese agitation in the United States by frank and scientific discussions of the problems involved.

(b) To advocate the cultivation of friendly relations, both for their own sake and for their effect on American-Japanese friendship, between each of these nations and the Government and people of China and the other countries of the Asiatic mainland.

(c) To advocate the adoption of a new treaty between the United States and Japan to take the place of the present gentlemen's agreement, providing—

(1) That on the part of Japan the further issue of passports to those coming to the United States for permanent residence be rigidly restricted.

(2) That on the part of the United States privileges of citizenship be granted to all who personally qualify.

(d) To urge the enactment of adequate Federal legislation for the protection of aliens and for the enforcement of their treaty rights, as urged by Presidents Harrison, McKinley, Roosevelt, and Taft.

(e) To urge the recognition, either by treaty or by legislation in Japan, of the right of expatriation, so as to abolish the evils of dual citizenship of children of Japanese parentage born in the United States.

(f) To correspond with societies and persons in Japan who believe in settling international difficulties by conference and mutual consideration and in accordance with our existing arbitration treaty with Japan, and to cooperate with them in urging both countries to adopt policies, make treaties, and enact laws bearing on international relations, based on justice and good will.

(All communications and checks should be sent to Sidney L. Gulick, executive secretary, 287 Fourth Avenue, New York City.)

MEMBERS.

Geo. W. Wickersham, chairman; Hamilton Holt, vice chairman; Edwin G. Merrill, treasurer; Linley V. Gordon, secretary; Charles H. Levermore, secretary; Sidney L. Gulick, executive secretary; Henry A. Atkinson, Nehemiah Boynton, F. S. Brockman, Arthur J. Brown, John Bates Clark, Stephen P. Duggan, Mrs. J. Malcolm Forbes, James H. Franklin, William I. Haven, James G. McDonald, Mrs. William F. McDowell, Paul Monroe, Frank Mason North, George A. Plimpton, Lindsay Russell, Fennell P. Turner.

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And I would also like to submit, if you will, for your records, two pamphlets, entitled "New Factors in American-Japanese Relations" and "Japanese in Hawaii."

The former, I may say, is a pamphlet I have prepared recently, giving full statistics and outlining a constructive policy.

Senator SHORTRIDGE. By leave of the chairman, Doctor, in the pamphlet you have prepared, a copy of which was furnished me, presumably by you or at your suggestion—

Mr. GULICK (interposing). Yes, sir.

Senator SHORTRIDGE. Do you give the present Japanese population in California?

Mr. GULICK. No; I do not. The second pamphlet deals with the Japanese in Hawaii. The bulk of this pamphlet is a result of a careful statistical study by Prof. Romanzo Adams, professor of economics and sociology at the University of Hawaii. There are copious tables of various kinds dealing with the Japanese there, which I have reason to believe have been very carefully worked up and are thoroughly reliable, and it seems to me that they correct many popular misconceptions and misstatements regarding the Japanese situation in Hawaii.

Senator SHORTRIDGE. Does that statement give the total Japanese population on the Island?

Mr. GULICK. Yes, sir.

Senator SHORTRIDGE. Have you that immediately before you? By leave of the chairman I would like to have it inserted right at this point in the record.

Mr. GULICK. It is here.

Senator SHORTRIDGE. Well, do not delay, if you can not find it.

Mr. GULICK. Well, I do not find it immediately.

Senator SHORTRIDGE. Very well.

Mr. GULICK. Now, with reference to these two pamphlets, in the course of my discussion I wish to make further references to them. But those constitute the two or three matters presented in the name of Mr. Wickersham.

Then here is another document; this is a document from California, prepared by David Starr Jordan, as follows [reading]:

In current discussions of the problem of the Japanese in California, several matters have been misunderstood and others perversely stated.

Those of us opposed to anti-alien legislation are for the most part not in favor of admission of Asiatic laborers. Our interest is in fair treatment of those legally here, and in honorable and friendly conduct on the part of our own Nation. Most of our Japanese farm laborers came to California on the annexation of Hawaii. They had been brought to Hawaii by American sugar interests before the Japanese system of compulsory schools had been established. Hence they are naturally often ignorant and clannish.

It is not true, so far as known, that the Root-Takahira "gentlemen's agreement" has been violated even in a single case. It is moreover evident that an exclusion agreement, with Japan cooperating, is more effective than any arbitrary act could be. Some 14 years ago Count Hayashi, of the Japanese foreign office, for the purpose of reducing friction or criticism, ceased to issue passports to Mexico. This measure has been usually ignored by agitators in California. Having proved ineffective it may be rescinded, in which case the much exaggerated emigration from Mexico might become a serious matter, which it is not now.

It is not true that the Japanese Government is trying now, or ever has tried, to secure a foothold in California or anywhere else in America. The Magdalena Bay scare of 1912 was about as idiotic a piece of yellow journalism as could be imagined.

It is not true that agitation in California has done anything toward exclusion of orientals nor is it likely to drive any away or to reduce their number.

Something may be said for the limitation of alien land holding provided in the act of 1913, but the referendum act of 1920 represents a dangerous policy. So long as these people are foreign citizens they must be controlled from home through consular agents. Any act concerning them, if affecting their accepted rights, is international in nature. The international interests of the United States can not be safely left at the mercy of haphazard local referendum. One can hardly imagine a more reckless way of dealing with international affairs. As a matter of fact, most of the 600,000 voters for the act of 1920 supposed that it concerned Japanese immigration; 200,000 voted against it, and about 400,000 who had voted for State officers did not cast any ballot on this question.

The birth rate among Japanese laboring classes is high, as with Italians, Portuguese, Irish in the same financial condition. As with all other races, it falls with the competition of other interests inside the family.

The word "assimilation" has two meanings—interbreeding and comprehension of political and social conditions. In the latter sense, the young Japanese are more readily assimilated than people of several European races; in the former, fortunately, scarcely at all, for a certain pride of ancestry makes Japanese, as a whole, averse to "mixed marriages."

That all races resident in our country should have means of becoming citizens is vital to the integrity of the Nation. We should condemn no race of men to permanent outlawry—a line of policy disastrous wherever it has been tried.

Sincerely yours,

DAVID STARR JORDAN.

Now, Mr. Chairman, I come to speak in my own capacity as executive secretary of the National Committee on American Japanese Relations, and I wish, first, to express my appreciation for the opportunity of discussing this rather important subject and these rather important matters before your committee. In the beginning, I wish to confine myself to a discussion of a matter that is really to the point. This whole broad Japanese question is not before this committee at the present time, I understand. There are three or four very broad questions which need consideration and answer, and it seems to me, if I may be permitted to say so, that a good deal of the material introduced into the discussion yesterday is really irrelevant to the matters here in issue.

Now, what are those issues? I think we may bring them under four heads.

First, what is the real proposal in this House immigration bill as it bears upon Japan?

Second—and this is a very vital thing—has or has not Japan been observing the gentlemen's agreement? I think that is vital.

Third, would the provision in H. R. 6540, section 12 (b) be offensive to Japan and would a quota law really meet California's need better than the present gentlemen's agreement?

And, fourth, is there still a better way of dealing with the whole situation?

Now, those are the general heads under which I wish to speak briefly.

The CHAIRMAN. Doctor Gulick, the question in my mind is this: Whether we should by statute adopt a policy of exclusion; that is, by statute law adopt a policy of exclusion, taking into consideration that we already have a gentlemen's agreement and a treaty with Japan, the treaty of 1911. Is the menace of the Japanese so great that this country should, for the purpose of self-protection, pass a statute without consulting in any way with the nation with whom we have a gentlemen's agreement and with whom we have a treaty? What good would treaties be if the United States at any time is going to pass a statute which abrogates a treaty? That comes down to the question of the menace or the peril, and the immediate menace or peril. Is the policy of the United States going to be as a general principle to abrogate by statute law any treaty? Of course, we know that the effect of a statute is to supersede a treaty. Now, I pay attention to the fact that we already have a treaty and a gentlemen's agreement with Japan; and should the United States now, without cooperation with the other nation, pass an act which abrogates that treaty and that agreement?

Mr. GULICK. Yes, Mr. Chairman, I may say, in answer to that particular question, the statement is admirable. And I may say that those are the things which the Federal Council of the Churches of Christ in America and the National Committee on American Japanese Relations stand for. If I understand your question, I will say those are exactly the things that we stand for.

Now, Mr. Chairman, in beginning my affirmative statement here I would like to stress this point for a moment. I do not think that the Federal Council of the Churches of Christ in America and the National Committee on American Japanese Relations are very far

apart from the main objective of the people of the Pacific Coast States with regard to the Asiatics. I think we all agree; certainly, for years and from the beginning of my study of this question in 1913, I have consistently stated that in main outline I agree with that general proposal, namely, that Asiatic immigration should be very rigidly restricted. So that in the main, in the large purposes which we have in view, we have the same objective. I would like to have it understood and believed, because I see so many assertions that what I am after is Japanese immigration. That is not so. Please understand that.

In this connection I would like to just say briefly that I was in Japan last year. I had opportunity to make wide studies, and to make many addresses. I made about 155 addresses, in Japanese, to those audiences—I am sorry Mr. McClatchy has gone out—I think if Mr. McClatchy had heard me make those speeches he would have said amen to each one of them; because the thing I was trying to get into the Japanese was that there are real problems that lie back of the anti-Japanese agitation in this country, and that there is no public opinion in this country which stands for any considerable immigration of the Asiatics into this country.

What I have been concerned with all these years is the manner of handling this difficult question. We must be courteous; we must consider their feelings. And I may say, as a result of my visit to China and Japan and Korea, spending a whole year in those countries, that I have come back with a renewed conviction of the remarkable character of those oriental peoples for reasonableness. If you will sit down and talk with the Chinese and the Japanese in their own languages—and I did it with the Japanese in Japanese; I could not do it with the Chinese in Chinese—but if you talk to them in a language which you both understand fully I think you will find the oriental race a remarkably reasonable people.

I pointed out, for instance, the terrible problem that is in our midst because of the 10,000,000 negroes that are in this country. When I talked with them and showed them that we have this problem they saw the point instantly. They saw that the coming of large numbers of Asiatics would create another race problem. And they saw the point that the coming in of large numbers of workers from Asia into our country would create economic conditions that are intolerable. They saw it and recognized it, and the result of that recognition has been that in all these years, beginning in 1908, when they entered into this gentlemen's agreement or understanding, they have attempted, I think, honorably and successfully to carry out the terms of that agreement, which I shall speak of later. But the point I am making is this: In their appreciation of the difficulty created in our country by the coming of their people, the leaders or responsible Japanese have said:

Why, of course, we will not send over any more of our people to cause those difficulties. But we have an ancient history, we have our culture, our religion, and our philosophy. We are not a backward people, like the peoples of Patagonia or Australia. We are an educated and intelligent people. We wish to be recognized as a people on a basis of equality. Now, we appreciate that you can not permit any considerable number of Asiatics to go into your midst. It will be stopped. Please do not legislate against us. That would imply that we are an inferior race of people, which we resent. We will stop it.

That was the basis of the gentlemen's agreement.

Now, when I was over there I made it a particular point to get in touch with responsible leaders and get figures on immigration and emigration, and I renewed acquaintances which I had for years, and I became convinced of the desire of responsible Japanese to maintain friendly relations with the United States, but it can only be done on the basis of courtesy and good will, leaving each country to consider the circumstances and conditions in the other country. I found that a new spirit has been developed in the relations of America and Japan due to the Washington conference. There is an attitude of good will toward America. No longer do they feel that America is a military menace to them. It may seem strange to some people to be told that America was considered a military menace to them. But they did so regard it, just as it seemed to some Americans that Japan was a military menace to America. I talked about that in public and gave some of the reasons why some Americans had developed those ideas and suspicions. My audience simply laughed. Now, that spirit and that thought that Japan and America are a mutual military menace was practically overcome by the Washington conference. And then in September last the great outpouring of the great gifts that were made to the earthquake sufferers were still further evidence of the spirit and good will of America.

The Japanese now say there is no insolvable difficulty between us; every difficulty we have we can solve by conference and treaty. So when this legislation was proposed last January or February, was it, the premier telegraphed that if the agreement was not working satisfactorily they would be glad to enter into a new agreement so that the agreement may be made satisfactory.

Now, then, coming to the more central part, what is the real effect of this proposed bill of the House Immigration Committee? The question was asked two or three times yesterday. Does it provide for admission into the United States of merchants and travelers and people of that kind? As I study this bill I am reminded of my experience in college with my professor in calculus. He would put up problems most perplexing, and just what the meaning of the problem was was not easy to get at. And I will confess as I read this bill two or three times I was puzzled, but finally I observed a little clause slipped in at section 12 (b), the end of that paragraph, which satisfies me that the measure, if passed in this form, with the clause about ineligible to citizenship persons being excluded, would nevertheless admit to the United States all the classes of persons enumerated in section 3, namely, a Government official, his family, attendants, servants, and employees; an alien visiting the United States as a tourist or temporarily for business or pleasure; an alien in continuous transit through the United States; an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, and a bona fide alien seaman.

Now, those people would be admitted under the bill, if passed, and so the objection to this bill is not so serious as some have thought. Certainly not in regard to those classes.

We need to bear in mind that this bill sets up a quadruple classification; first, immigrants and nonimmigrants; and then quota and non-quota immigrants. Now, it requires a little thought to distinguish continuously between those four groups. Those five classes I have just mentioned come under the nonimmigrant classification. And then under the nonquota group come three classes referred to three or four times yesterday; that is, an immigrant in the United States who has made a temporary visit abroad and is returning; second, a minister of religion, or a professor in a college, academy, seminary, or university, who has had that status for two years; and then the excellent provision in regard to a bona fide student.

These come in under the nonquota provisions. All others would come in under the nonimmigrant provision. So far as these points are concerned, I think this bill is very good. But section 12 (b) provides that no alien ineligible to citizenship shall be admitted to this country unless he is admissible as a nonquota immigrant. This sweeping provision is deeply resented.

There are four reasons.

First, it violates a treaty right. It would treat the American-Japanese treaty as a scrap of paper. We know what the significance of that means. That was one of the great outstanding wrongs that developed in the early stages of that terrible war in Europe. It is evident that we have got to regard treaties as sacred obligations and that there are ways of amending treaties which are in accord with the fundamental principles of international relationships, which are fundamental relationships. And if we violate that treaty, and if we by simple act of Congress, without taking the proper procedure, violate that treaty, of course it will cause resentment in Japan. If Japan were to do that with any treaty which gave us rights we would feel the same way.

Then, of course, it annuls the gentlemen's agreement without a conference. Now, I recognize very well that the gentlemen's agreements does not have legal standing. It was simply an agreement into which Japan entered years ago in order that she might conform to our ideas, and not make it necessary for us to pass legislation with reference to Japanese immigration. That is legitimate. Of course, its operation is left to Japan to a very large degree; but not wholly. If you will look into the statistics furnished by the Commissioner General of Immigration, you will find every year those who are admitted without passports, or those who were deported because they did not have the right passports.

Now, that shows that our Government does exercise supervision over those who come from Japan. We apply our literacy tests, and health laws, and those have been rather rigidly enforced against the Japanese. So the statement that Japan sends her people here as she chooses is not correct.

And it seems to me that the chief cause for Japanese resentment if this were passed would lie in the implication that Japan has violated the gentlemen's agreement; in other words, her promises. Any nation would resent that.

And it seems to me, Mr. Chairman and gentlemen of the committee, this charge that Japan has been violating this agreement is really the major part of the basis of the anti-Japanese question on the Pacific coast, and is one that ought to be very carefully investigated.

If it is true, then our Government should take it up with the Japanese Government, or the Japanese Foreign Office, and say, "See here, here is the gentlemen's agreement; you have not been keeping it. What shall we do?"

I may say incidentally that that is a matter I have given a good deal of study to, and I agree with the statement made by David Starr Jordan that there is no evidence that Japan is violating the gentlemen's agreement.

This brings me, therefore, to a study of this Japanese gentlemen's agreement. How has it worked? What are the facts as indicating that the gentlemen's agreement has been violated? The ordinary method of proving that statement that Japan has violated the gentlemen's agreement is this: Just look at the figures, they say. After the gentlemen's agreement went into operation total arrivals began at the low figure of 2,375, and then steadily increased to 4,000, 6,000, 8,000, and 10,000. Does that not show that Japan was violating the gentlemen's agreement? Now, that is the ordinary method of trying to prove that Japan violated that agreement.

In the autumn of 1921, I think it was, in the World's Work, Professor Stoddard put up that question, and said that Japan has been violating the agreement. He put the figures up in that way. Now, a person who knows nothing more about the figures than that is at once convinced. But if you will analyze those figures I think you will find that those figures do not prove that at all.

I must confess that yesterday I was exceedingly interested in the statement made by Mr. McClatchy. I was much interested in comparing figures which he gave yesterday with some of the figures which he gave five years ago. And before I enter upon this rather stupid but necessary study of statistics, I would like to just tell a little experience that I once had. I had given an address on this subject, and a gentleman came up to me afterwards and said, "Did you ever hear that figures can't lie, but liars can figure?"

A few days later I heard an address by that eminent and eloquent professor, Professor Inui, whom no doubt Mr. McClatchy knows personally, and Professor Inui quoted that statement that "figures can't lie, but liars can figure," and then he put it this way: "Figures can't lie, but we can all figure." That is the case. I verily believe that Mr. McClatchy and all others who are studying these figures are seeking to know the facts. I can not believe that through these years Mr. McClatchy or his cooperators out there would have gone on with their program if they did not believe that the statistics which they have are reliable.

On the other hand, I hope you will give me equal credit in believing that the figures given by Mr. McClatchy are not reliable. I do not profess to be omniscient, but I have given a great deal of study to this subject, and when a man has given years of study to a subject and to its statistics, he will not be led to quick conclusions which on the face may seem normal and natural, but which, with closer study, will reveal other conditions. But I would like to say, in analyzing and criticizing the figures given by Mr. McClatchy yesterday to prove that the Japanese have violated the gentlemen's agreement, that I hold no position of dogmatic inerrancy, but I present the figures as I see them. I hold myself open for further light.

If the figures given by me are not correct, I want to correct the figures. I want the real facts.

What, then, are the figures that Mr. McClatchy referred to that we must study? He quoted that California State Board of Control, in its report of 1920, to prove that the Japanese population of California had increased by 25,000, by excess of immigration over emigration, during the 10 years of the period of the census from 1910, which was April, 1910, to the autumn of 1919.

Now, in order to show that the statistics, the twenty-five thousand and some hundred are not reliable and do not give the real facts, I need to question—

The CHAIRMAN (interposing). What do you mean by the 25,000; increase in the Japanese?

Mr. GULICK. The increase of arrivals over departures. This does not have reference to the births in California. We have to begin with the census of 1910, which gives the Japanese in California at that time as 41,356. Then the statement comes of "immigrants" admitted into California, 32,702, and 7,110 "emigrants." This gives an increase of 25,086.

Now, that would seem, on the face of it, to be a very carefully and logically worked out proposition. But if you compare the statistics of "emigration" and "immigration" with the statistics of arrivals and departures, you will come to the conclusion that the classification of emigration and immigration does not properly tell the story.

The CHAIRMAN (interposing). Mr. Gulick, if you could have that put in the form of a statement or summary, we could comprehend it. We can not follow the complete analysis as you are giving it now.

Mr. GULICK. I think I can make it clear.

The contention is that in order to know how large is the increase in the number of aliens of a given people in the United States we must deal with all arrivals and all departures, and not merely with "immigrants" and "emigrants." The State board of control fell into this error in claiming an increase of alien Japanese by 25,086. The true figure is approximately 10,898. Its error was about 14,000. (Cf. the Annals of the American Academy of Political and Social Science, January, 1921, "Japanese in California," by Sidney L. Gulick.)

The CHAIRMAN. I suppose the committee generally—I am only speaking for myself—has the census figures, which place the number of the Japanese in the United States in 1920 at 81,502.

Mr. GULICK. That must be a misprint, Senator.

The CHAIRMAN. The birth of foreign born in the United States from each country.

Mr. GULICK. That is the foreign born in the United States.

The CHAIRMAN. The foreign born. Of course, that does not include the children of the Japanese born here, because they would be native born?

Mr. GULICK. Yes, sir.

The CHAIRMAN. In the figures that you give you do not distinguish between the foreign born and the natives of foreign parentage?

Mr. GULICK. Now, my point, Mr. Chairman, is this: You can not deal with merely the figures of emigrants and immigrants. You have got to include—

The CHAIRMAN (interposing). Now, you are going into another field.

Mr. GULICK. No; it is the same field.

The CHAIRMAN. I mean, when you go into the question of those who come and go back. You have to get at it accurately.

Mr. GULICK. Yes; but these figures of emigrant and immigrant deal with one group alone, and will not give it accurately.

The CHAIRMAN. Can you not state in one word what is the difference?

Mr. GULICK. Yes; I worked that out with some care, and it is printed in the Annals of the American Academy of Political and Social Science, January, 1921, a number that was devoted entirely to a discussion of immigration by various writers. And between the figures which I arrived at and the figures which the State board of control arrived at, was a difference—between the 72,000 for the California population and 86,000 of about 14,000.

The CHAIRMAN. But it does not seem to me to be very material to go into all those details.

Mr. GULICK. It is material in this respect: Did Japan keep the gentlemen's agreement? Was there a flood of new immigration coming in? The statistics show conclusively that there was not.

The CHAIRMAN. We have a summary of the census of 1920, and I think the committee will refer to it if it desires the figures.

Senator SHORTRIDGE. May I, Mr. Chairman, ask a question?

The CHAIRMAN. Yes.

Senator SHORTRIDGE. By leave of the chairman, Doctor, I would like to ask you one or two questions: How many Japanese were in California as of the time of entering into the so-called gentlemen's agreement? What is your contention; how many?

Mr. GULICK. The way of getting at it—

Senator SHORTRIDGE (interposing). I do not care how you get at it. How many Japanese were in California as of that date?

Mr. GULICK. Forty-four thousand.

Senator SHORTRIDGE. How many are there now?

Mr. GULICK. I have not studied out the figures—

Senator SHORTRIDGE (interposing). About how many?

Mr. GULICK. Adding, I should say, somewhere between 80,000 and 85,000 now.

Senator SHORTRIDGE. Very well. That is your contention. It shows there has been a substantial increase in the Japanese population in California.

Mr. GULICK. By birth.

Senator SHORTRIDGE. You agree there are eighty and odd thousand in California now?

Mr. GULICK. Yes; including native-born children.

Senator SHORTRIDGE. We claim there are about 100,000.

Mr. GULICK. Now, that 100,000, I was going to take that up next. That is the figure Mr. McClatchy has used for many years. In the hearings in the House Committee on Immigration in the summer of 1919, Mr. McClatchy made the statement repeatedly that there were 100,000 Japanese at that time. That is 1919. Now, five years have elapsed since that time, and there is an average birth among the Japanese in California of approximately 5,000 per year; some

years less than that, and sometimes a little more. So that during those five years there should have been added, allowing for departures and deaths, at least 20,000. If the figures Mr. McClatchy gave were correct, there should be 120,000 now.

Senator SHORTRIDGE. Probably there are; they multiply very rapidly.

The CHAIRMAN. That is contrary to the gentlemen's agreement.

Senator SHORTRIDGE. We do not know all of the terms of that agreement. But there is no race suicide there.

Mr. GULICK. I would like to enlarge on that a little further. From the time the gentlemen's agreement went into operation, July, 1908, till the summer of 1923, all arrivals in continental United States numbered 120,317; the departures, 111,636; so that the net arrivals have been 8,681.

Senator SHORTRIDGE. Through the ports.

Mr. GULICK. Yes, sir.

Senator SHORTRIDGE. How many over the borders, we do not know.

Mr. GULICK. No; that is up to the Government to find out. That does not affect the gentlemen's agreement.

Senator SHORTRIDGE. Unless Japan aided their coming.

Mr. GULICK. Do you assume that is the case?

Senator SHORTRIDGE. Yes; I do.

Mr. GULICK. I do not.

Senator SHORTRIDGE. It may not have been by the Government directly, but they have been aided by others, societies, etc., over there.

Mr. GULICK. If it was aided by the Government, it would be a violation of the gentlemen's agreement. The result for the 15 years is a net of arrivals over departures of 8,681. Now, according to the statements of the California State Board of Control, 64.1 per cent of the arrivals in the United States settle in California, so that the increase of Japanese of foreign birth in California during those years has been 5,564, which would indicate that if there has been a violation of the agreement it has been very slight indeed.

But that brings me to the question of what was that agreement. That is a matter that we need to study with care. The statement made yesterday was that the agreement was to the effect that there should be no increase of Japanese population in the United States. Now, that is the general assumption of those who argue from California. And I have no doubt that there was more or less thought that that would be the case; that under the gentlemen's agreement there would be much the same situation as developed with the Chinese. When, however, they put down in black and white the terms upon which these arrivals were to be regulated, as reported for publication by the Commissioner General of Immigration in the autumn of 1908, it was stated that:

This understanding contemplates that the Japanese Government shall issue passports to continental United States only to such of its subjects as are non-laborers, or are laborers who, in coming to the continent, seek to resume a formerly acquired domicile; to join a parent, wife, or children residing there; or to assume active control of an already possessed interest in a farming enterprise in this country, so that the three classes of laborers entitled to receive passports have come to be designated former residents; parents, wives, or children of residents; and settled agriculturists.

Now, the statement was given that this was a secret agreement.

Senator SHORTRIDGE. What are you reading from?

Mr. GULICK. I am reading from the report of the House committee in connection with this bill. This is to be found on page 15, about the middle of the page.

Now, the statement is commonly made that this was a secret agreement and that it was impossible to find out what it was. Possibly there was a certain measure of truth in that; possibly the Department of State has not seen fit to give the public the full statement of it. But a few months after it went into effect a statement as to how it was to work was published and was in the report of the Commissioner General of 1908, which contains this statement of how the gentlemen's agreement was going to work. Therefore, it seems to me that the charge that it was a secret understanding has very little value.

Senator SHORTRIDGE. It never was reduced to writing, Doctor, as you understand?

Mr. GULICK. I do not know.

Senator SHORTRIDGE. Perhaps it was made by an exchange of notes, or something of that sort.

Mr. GULICK. Possibly something of that sort. But when it came to be expressed in a form to be carried out in practice, then it was published in the form I have just read.

Senator SHORTRIDGE. I suppose President Roosevelt knew its terms?

Mr. GULICK. No doubt, and the ambassador.

Senator SHORTRIDGE. And we would take the views of President Roosevelt as conclusive?

Mr. GULICK. Yes. That statement read by Mr. McClatchy, or telegram, he called it a telegram, to the legislature of California in 1909 expressed my own view very fully. I quite agree with that.

Now, I am free to admit that when this agreement in these terms began to work out, results came somewhat different from what was anticipated on this side, particularly with reference to the provision with respect to the admission of children, parents, and wives. But that Japan deliberately violated her pledges and sent over people not in the agreement is—

Senator SHORTRIDGE (interposing). Do you think they contemplated what is known as the picture-bride method of introducing Japanese into the United States; do you think it contemplated that sort of thing?

Mr. GULICK. No; I don't think that question had come up at all. The thought was no doubt that if no more passports were to be given to laborers, no new immigrants would be admitted and those already here would gradually drift back. And it did not occur to those who dealt with it that they would fall so in love with California that they would stay here permanently and send in large numbers for their parents, wives, and children.

Senator SHORTRIDGE. They did not know California, you see.

Mr. GULICK. Neither did Japan think that. I don't think there was any sinister thought in the mind of Japan. But Japan interpreted the terms "wives," "children," and "marriage" in harmony with their own customs. This picture-bride idea was not a special

arrangement for bringing the women over here. The picture-bride movement, if you choose to call it that, has applied to Italians, and so on. Furthermore, in Japan the marriage is arranged by the parents; it has been so for years and centuries. And so the young fellow in this country, when he came to an economic position where he could marry and enter into the full relations of life, naturally appealed to the Japanese method of marriage. That was not a violation of the agreement. But their method of getting a wife did not correspond to our custom and seemed to us wholly unsuitable, and we rejected it. And after some years of criticism—I regret it dragged out so long—Japan finally saw the point and stopped the coming of the picture brides.

Now, since that period, and since the beginning of the working of the agreement—

The CHAIRMAN (interposing). I trust you will summarize as much as you can, Doctor Gulick.

Mr. GULICK. Since the gentlemen's agreement went into effect the Commissioner General of Immigration has reported every year the statistics bearing upon the arrivals. Those are given in the statistics. Now, it shows that during those years—and I will summarize here without going into the details, because that is what you have asked for—more Japanese males have left the country than have entered. Now, that is a part of what was contemplated in the gentlemen's agreement. And this has actually taken place—22,737 more males have left the country than have entered. But under that provision of children and wives that deficiency has more than been made up, so that there is a net immigration of 8,681 into continental United States.

Senator SHORTRIDGE. Only 8,000?

Mr. GULICK. Yes.

Senator SHORTRIDGE. How do you account for the 80,000 that are admittedly here, then?

Mr. GULICK. Births.

Senator SHORTRIDGE. Very well. I wanted to know your contention.

Mr. GULICK. The women and children and births. The point I make is that Japan has been working within the specified terms.

Just one thing more. Mr. McClatchy made a statement like this yesterday, broadly and generally to prove the failure of Japan to keep the agreement: He said in 1880 there were no Japanese in the Hawaiian Islands. In 1920 they constituted nearly one-half the population of the Hawaiian Islands. Now, that is a perfectly true statement. I do not controvert the figures at all; but does it prove that the gentlemen's agreement has been violated? We must remember that the great immigration from Japan to Hawaii took place between 1880 and 1900, before Hawaii was annexed to the United States. And during the years from 1900 to the summer of 1908, before the gentlemen's agreement was entered into, there was a large immigration to Hawaii, but the transfer of the population to the United States was also large. Hawaii was a stepping-stone. Japanese population in Hawaii from 1900 to 1908 remained almost stationary. And it was a source of great grief to those planters that they could not stop the departures for California. Since 1920 the Japanese

population in Hawaii has actually receded in proportion to the rest of the population, falling from 42.7 per cent to 40.4 per cent. From the time the gentlemen's agreement went into effect until the present time there has been a positive diminution in the alien male population of Japanese in Hawaii.

Senator SHORTRIDGE. What other races have increased more rapidly?

Mr. GULICK. I can not give you that statement.

Senator SHORTRIDGE. You make the broad statement here.

Mr. GULICK. Here are the figures in 1920, in the census, in regard to California, Washington, Oregon, and Hawaii, for 1900 to 1920. Now, in 1900 the Japanese population, as compared with the whole population, was 39.7 per cent.

Senator SHORTRIDGE. In the islands?

Mr. GULICK. Yes, sir. In 1910 it was 41.7 per cent. In other words, during that period the Japanese population in the Hawaiian Islands increased 2 per cent, a very slight increase indeed. The increase was very slight. In 1920 the population, as compared with the rest, ran about 42.7 per cent.

Senator SHORTRIDGE. That is, 42 per cent of the total population of the islands is made up of Japanese?

Mr. GULICK. Yes, sir. Now, if you will turn—you haven't it in your hand—but if I turn to the figures of the Japanese population in Hawaii during the past two or three years, it turns out that the proportion is diminishing. In June, 1923, the proportion fell to 40.4 per cent. The adult Japanese males decreased in actual numbers from 41,795 in 1910 to 36,548 in 1920.

The CHAIRMAN. Well, that does not have a direct bearing.

Mr. GULICK. This is Hawaii, and the statement was made—

The CHAIRMAN. I know what you are answering, but it does not have a direct bearing.

Mr. GULICK. Now, Mr. Chairman, in closing this section on the gentlemen's agreement I would like to make a suggestion. This question as to whether or not the Japanese have been observing their agreement has been a very vital one. It is one involving the morality of Japan. Inasmuch as the figures I have presented are so different from those of Mr. McClatchy, I would like to ask that you request Mr. Husband to sit down with myself and Mr. McClatchy and go over the figures, and arrive at the correct figures.

The CHAIRMAN. The trouble is, he has gone there now.

Senator SHORTRIDGE. Personally I am not concerned with statisticians or the way in which they may figure. We are concerned with actual present conditions. We are concerned with the conditions, and not theory, having in mind the statement of a very great democratic statesman: "It is a condition and not a theory that confronts us." As to whether an agreement has been observed in good faith, or has been knowingly violated, or by intention or effect suffered to be violated, are questions, of course, that should be looked into.

Mr. GULICK. Now, if Mr. Husband is not here, I am sure there are experts at the department who could go over these figures and determine what the fact is.

The CHAIRMAN. We have all those figures before us. The question of the Japanese population is before us in every form.

Mr. GULICK. Yes; but is it in the form that it could be reconciled—the diversified form they have given and those I have given? May I be permitted to ask a question? Has this committee made up its mind whether the Japanese Government has observed this gentlemen's agreement?

The CHAIRMAN. I should think from the questions that have been asked that the committee has not made up its mind on anything. We are here to hear you.

Mr. GULICK. Very well; that is what I am pressing, that we should get at it—what the correct figures are.

The CHAIRMAN. You know very well from an international standpoint it would be a very serious thing for the United States to come to the conclusion that the Japanese Government has violated its agreement and therefore we are going to treat it as a nullity.

Mr. GULICK. Yes, sir.

The CHAIRMAN. It would take very strong evidence; and that is a diplomatic matter, in any event.

Mr. GULICK. Yes, Mr. Chairman; that is the reason why it was so necessary not to place the clause in the House immigration bill excluding aliens ineligible for citizenship, because that would be virtually saying they have not kept that agreement.

The CHAIRMAN. We have not only the agreement but the treaty of 1911—a commercial treaty.

Mr. GULICK. Now, Mr. Chairman, I would like to say that I think the usefulness of the present gentlemen's agreement has come to an end. Through the admission of the parents, wives, and children there has come an amount of immigration which has caused serious conditions—serious psychological conditions. And it seems to me that we ought to say frankly to Japan that we believe the gentlemen's agreement is not satisfactory—"We believe you have observed it, but, nevertheless, it is not satisfactory, and we need a new adjustment of the matter."

The CHAIRMAN. Is that not a matter for the State Department to initiate?

Mr. GULICK. Yes; it is so. But if Congress desires, it could make a recommendation in that matter. That is one of the several constructive suggestions I desire to make.

The CHAIRMAN. Congress has nothing to do with the initiation or negotiation of treaties. That is for the President, with the concurrence of the Senate.

Mr. GULICK. Would it be proper for the Congress to pass a resolution requesting action to be taken along certain lines? If Congress is bound to take some kind of action, that, it seems to me, would be proper action.

Senator SHORTRIDGE. The Senate could ask for it.

Mr. GULICK. Mr. Chairman, there are three suggestions which it seems to me we might consider or which the committee might consider: First, this matter of a joint resolution to confer with Japan for a treaty or a new agreement.

Second, to include Japan in the quota in the law, which would result in giving Japan her share in immigration. The amount would be so small that it would be negligible, but it would give them what they desire. It would put Japan on a basis of equality with other nations.

The CHAIRMAN. But they object to the quota.

Mr. GULICK. Californians object to it because of the second item in it, namely, equality of recognition. However, if they really wish to cut down to a very low point the number of Japanese who can come, the quota law would accomplish it. If the gentlemen's agreement continues, we will still have several thousand Japanese children and wives coming over.

Senator SHORTRIDGE. Of course, that gentlemen's agreement, as a matter of law, has no validity whatever.

Mr. GULICK. No, sir; but the Department of State——

Senator SHORTRIDGE (interposing). It is for Congress to legislate.

Mr. GULICK. Yes; but there is the treaty.

Senator SHORTRIDGE. Of course; those two things go together.

Mr. GULICK. And then the third proposition that it seems to me might be considered is for Congress to request the appointment of a joint high commission to study this question and get at the facts, and to make recommendations.

The CHAIRMAN. Have you finished?

Mr. GULICK. With just a few more remarks bearing on points made by Mr. McClatchy, which it seems to me need correction. Mr. McClatchy made the point that Japan is controlling all the Japanese in this country, and cited the fact that the Japanese born in this country have to be registered in the consulates. The same thing happens with regard to American children born in Japan. When my children were born in Japan, it was necessary for me to have them registered at the American consulates in order to maintain their American citizenship. So Japan is doing what every other nation is doing. So that is no valid charge against Japan.

Then with reference to the Japanese children who are in this country. Various statements were made which seem to me to ignore very important facts that are available. I would like to call your attention to an investigation made by Paul B. Waterhouse who, a couple of years ago, in a questionnaire sent to Japanese children in American schools, asked for certain information. He received replies from 2,000 of these children. The questionnaire was one with reference to their views and purposes. Among the replies that he received, it turned out that two-thirds of those children were attending Protestant Sunday schools; 35 per cent of those children declared they are Protestant in their religious faith, and 19 per cent declared they are Buddhists. In other words, the Christian approach to the children on the Pacific coast is bringing a remarkable change to the children, and to the Japanese people in California. If we maintain the teachings begun in these schools, I have no reason to believe that these children will be a menace to this country.

And then another thing, a statement was made that the real aim of those who are going to Mexico and South America is to come to the United States. It seems to me that is a statement that should be corrected, because the Japanese Government has refused for many years to give passports to those who are going to Mexico, except under the same terms as those who are coming to America; in other words, they are working under the gentlemen's agreement. So I think that ought to be wiped off the slate, that charge.

And then, Mr. Chairman, with reference to Japanese voters in Hawaii. The statement was made, on the statement of an author who was quoted, that by 1940 the Japanese voters will constitute a majority.

The CHAIRMAN. I do not think you need go into that.

Mr. GULICK. Will you permit me just a word there? These figures, collected by and carefully prepared by Professor Adams, show that the proportion of Japanese voters to other voters in 1940 will be 22 per cent, so that those charges do not stand careful examination.

And then Mr. McClatchy made this statement, that the gentlemen's agreement was delayed in its operation about two years, approximately, and in that period 45,000 Japanese laborers came into the United States. I don't think that is a fair statement of the fact. I don't know that anyone knows—certainly I don't know—when the gentlemen's agreement went into effect. But it was made in 1907 and went into operation in 1908, and the immigration from that time fell very markedly. During the year ending in the summer of 1907 the total immigration was 30,000, and then the gentlemen's agreement got into operation by the middle of the year 1908, and it fell to 15,000, and then the next year it fell to 3,000. And I can not believe, Mr. Chairman, that, if the gentlemen's agreement should have gone into effect by the summer of 1906, but its operation was so delayed for two years that 45,000 came in who should not have done so under the agreement, Mr. Roosevelt would have kept quiet. With his keen insight into what was done, and his desire to protect California, I think he would have at once spoken out.

Senator SHORTRIDGE. What do you understand to be the date of the gentlemen's agreement?

Mr. GULICK. It began to get in operation—

Senator SHORTRIDGE (interposing). Not getting into operation; when was it entered into?

Mr. GULICK. I don't know. Some time the latter part of 1907.

Senator SHORTRIDGE. I want to say here, Mr. Chairman, as a Member of the Senate I propose to find out whether that agreement was reduced to writing, and if it was reduced to writing when it was entered into and what were its terms. I know of no law which permits it to be kept secret.

Mr. GULICK. Now, Mr. Chairman, in closing I would like to give a very brief summary of what I have said. It will take me only five or six minutes. It will be a brief summary of what I have said, with the reasons for deleting that paragraph of the present bill, sec. 12 (b).

First, the proposed paragraph denying admission to the United States of aliens ineligible to citizenship would contravene the treaty with Japan in a manner not in keeping with correct international procedure. It would, therefore, be a piece of national immorality—regarding a treaty as merely a scrap of paper.

Second, it would annul the gentlemen's agreement without conference, which would be ungentlemanly.

Third, the action would imply that Japan has not kept faith in administering that agreement, which implication would amount to

a grave accusation which can not fail to be resented, since the evidence is clear that Japan has observed it with great care.

The proposed paragraph is unnecessary, for the end in view—namely, the rigid exclusion of Japanese immigrants—can be better secured in other ways; in ways that are courteous and gentlemanly, and in ways that are in accord with international procedure—(a) by a joint resolution of the Senate and House requesting the Department of State to arrange either for a new gentlemen's agreement, or for a new treaty; or (b) by a slight adjustment of the proposed quota basis, and then making it applicable to all peoples and nationalities.

Fifth, the proposal in having annulled the cooperation of the Japanese Government in regulating Japanese immigration would inevitably inaugurate a period of increased friction and contention between the United States and Japan.

Sixth, the proposed action, if carried through, would go far toward wiping out the good feelings produced by the Washington Conference on Limitation of Armament, and the American activities through the American Red Cross for the relief of the Japanese sufferers from the recent earthquake and fire.

Seventh, the growth of ill will between the two countries could not fail to result in talk of war and in increased preparations for war.

Now, Mr. Chairman, on that point I want to say I do not believe that the day will ever come when Japan will deliberately attack the United States; I do not believe that the day will ever come when American will deliberately attack Japan; but there will be talk of war and preparations for war, both of which would be very disastrous indeed. Therefore, I believe we should modify the agreement with Japan and provide for a stoppage of any further immigration of Japanese wives and children to this country, and then go forward with the policy of constructive assistance of dealing wisely and helpfully with the Japanese population in this country.

Mr. Chairman, I would like to submit to this committee the constructive proposals and programs which were worked out with the National Committee on American-Japanese Relations, in a booklet entitled, "Should Congress Enact Special Laws Affecting Japanese?" I would like to submit the last four or five pages of this book, beginning on page 90.

The CHAIRMAN. That may be inserted in the record.
(The matter referred to is as follows:)

IV. A CONSTRUCTIVE PROGRAM.

The discussions thus far have shown conclusively that anti-Japanese agitators make use of unscientific statistics and sensational exaggerations. The casual reader might perhaps infer, therefore, that when we reject these exaggerations and statistics and deal only with actual facts and scientific statistics, we shall find no real difficulties to be solved.

Such, however, is not the view of the writer. To his thinking, there is a real Japanese problem. And it is a difficult one. The agitators see it, indeed, in a vague and partial way, but they do not understand its real nature. The remedies, accordingly, which they propose for its solution would, as we have sufficiently shown above, not only fail to accomplish what they desire but would, on the contrary, aggravate the difficulty.

THE PRINCIPAL FACTS.

1. Japanese labor immigration was virtually stopped by the summer of 1908. Since then, while many wives and children have come to the United States, many thousands of men (about 10,000) who were in continental United States at that time have permanently returned to Japan. In deference to California's opposition, Japan has stopped granting passports to so-called "picture brides."

2. A Japanese population of seventy-two or three thousand has already secured a firm foothold in California. They are remarkably industrious, thrifty, sober, reliable, enterprising, law-abiding, and ambitious. They possess peculiar physical fitness for certain forms of agriculture and meet thus a definite economic need of the State. They cooperate effectively among themselves, constitute a compact group, and offer powerful competition in certain lines of agriculture.

3. Large numbers of them live in rural districts, where they constitute in many cases communities largely, if not exclusively, Japanese. The white landowners often find it economically advantageous to sell or lease to them, for by their physical aptitude for certain kinds of labor, by their lower standards of life, by their longer hours of work when working for themselves, and by their more patient and skillful intensive cultivation, they can afford to pay higher prices for land than white farmers can.

4. Like all newcomers from foreign lands who have a different language, different customs, different social habits, different interests, different forms of recreation, and different culture, they are not acceptable as neighbors or friends to the older population. Neither side is able really to understand the other or to enter upon mutually agreeable relations. Such relations as are necessarily established are economic, and these oftentimes are unpleasant, due to inevitable competition.

5. Japanese in rural districts living so largely by themselves naturally continue the standards and modes of life in which they were reared. They receive relatively little American influence. From the American standpoint, many of their native customs are objectionable. They quite commonly work on Sunday; they are apt to overcrowd their dwellings; they often live in insanitary and unsightly conditions. Moreover, since many of the women work in the fields, they can not make a proper home life nor rear the children according to American standards.

6. Not a few of the unfavorable conditions under which they live are due to the anti-Japanese State laws, which have interfered with their economic prosperity and prevented their establishment of permanent homes.

7. Social relations between whites and Japanese are difficult to establish and maintain, partly because of mutual ignorance of each other's language, partly because the standards and ideals of life are so different; partly because the feeling engendered by economic competition is unfriendly, and partly because of instinctive and also of cultivated race prejudice.

8. Japanese men, like European men (and unlike the Chinese) have brought over their wives and children in unexpected numbers, so that we already have some 20,000 American-born Japanese children in California. And we foresee tens of thousands more in a few decades. These with their children and children's children for all future time are by our laws American citizens. Are they to be loyal Americans, absorbed into the general population? Or are they to constitute a distinct class, possessed of race consciousness, striving for rights in the face of opposition and of humiliating race legislation?

9. California is now suddenly awakening to the situation thus developing. For years it enjoyed and greatly benefited by the advantages of cheap, docile, efficient Asiatic labor. No small part of her prosperity has been made possible by Chinese and Japanese labor on railroads, roads, and ranches. California is now discovering that Japanese labor is no longer cheap or servile. It is found to be enterprising, independent, ambitious, able. Japanese desire to secure the full profit of their toil. Like all other immigrants, they are not content to remain forever mere hewers of wood and drawers of water, mere workers for others; they aspire to independence, to ownership, to accumulation of capital, and to the power and liberty which capital gives.

10. Japanese, moreover, like every new immigrant group, are highly reproductive. Although there is no danger whatever of the preponderant Japanese population foretold by imaginative statisticians and sensational agitators, it is certain that we shall have among us a permanent, growing, and efficient Japanese population. In a few decades it may possibly become in California 5 per cent of the population of the State.

11. The anti-Asiatic agitation on the Pacific coast in past decades has resulted in the denial to Asiatics of the privileges of naturalization and of citizenship and the denial to them of certain economic opportunities. Of all immigrants to the United States, Asiatics alone have been thus singled out and humiliated. This condition has tended to segregate them as a group and to interfere with their wholesome Americanization. They alone are "aliens ineligible for citizenship." Advantage has been taken of this political disability to make them the object of discriminatory, humiliating, and obstructive economic legislation.

12. The real situation, however, is by no means hopeless. It is by no means so difficult as agitators insist and as many have been led to believe. Time is one of the essential factors in the required solution. California politicians are in too much of a hurry. The charge that Japanese can never be Americanized is based on too short an experience. The Americanization of Irish, Italians, Poles, Scandinavians, or any non-English-speaking foreign people is a matter of at least two generations. There is every reason to believe that under similar conditions Japanese also will be happily and wholesomely Americanized.

THE REAL PROBLEMS NEEDING SOLUTION.

The real problems needing solution are not those emphasized by Mr. McClatchy and the political agitators. They are, rather, such as the following:

(1) How to overcome existing irritation between Americans and Japanese, especially in rural communities, and create in its place an attitude of mutual appreciation, and good will.

(2) How to teach to Japanese our American customs and practices, especially in regard to our family life and to our democratic institutions of government.

(3) How to overcome race cohesion in economic enterprises and secure cooperation across race lines.

(4) How to prevent further race segregation and secure a better distribution of those in congested areas.

(5) How to prevent Japanese of the second generation, born in America, from becoming a race-conscious group, functioning distinctly and separately in business, in politics, and in social life as Japanese-Americans, rather than as "straight Americans"—with no hyphen.

In solving these problems the State has certain duties to perform, Congress and the Federal Government others. Public-spirited citizens also, especially on the Pacific coast, and broad-minded Japanese likewise have most important, nay, essential contributions to make.

A GENUINE SOLUTION.

A genuine and permanent solution is necessarily psychological and moral though it should also include a legislative factor. Two programs of education are needed, one for Japanese and one for Americans. The first would seek by friendly instruction and helpfulness to show Japanese how Americans live, what our ideals and economic standards are, and how earnestly we desire to have all foreigners who plan to stay permanently in America learn our language and adopt our good ways as rapidly as possible—not, however, abandoning their own good customs—and participate in supporting our democratic institutions. The rights and the duties of citizens would be fully explained to them and they would be invited, in case they plan to stay permanently in America, to qualify and become citizens. It would introduce Japanese to Americans and urge them both to live in mutual helpfulness, fair play, and good will. Especial attention would be given to the education of Japanese children, making them feel that they too are Americans.

States in which Japanese have already settled in considerable numbers might well provide that in communities where foreign-language children of school age of any single race constitute a large proportion of those in school, special attention should be given to the number and qualification of the teachers. Such a plan would benefit both the American and the foreign-language children.

The program for Americans would seek to give them the real facts of the situation. Falsehoods or even half truths about the Japanese would be exposed. Steps would be taken to promote a spirit of such helpfulness, cooperation, and

treatment as would commend to the strangers from Asia the essentials of the Christian religion. Facts as to methods and processes that have been successful in harmonizing Japanese and Americans would be widely reported, such as those that have been so successful at Livingston.

Business men might well make efforts to secure Japanese partners, especially in enterprises in which Japanese labor is employed to advantage. Joint-stock farming corporations might well be formed.

Where families of American, Japanese, Chinese, Portuguese, Mexican, Italian, Armenian, or other races are found in a single community it is highly important that an interracial community council should be formed of the most broad-minded individuals of each group. Regular meetings would promote mutual acquaintance. Common activities in promoting common interests of the community, such, for instance, as recreational facilities, lecture courses, patriotic celebrations, school improvements, offering of prizes to children for definite agriculture achievements, promotion of tree-planting activities and other methods for beautifying the town, and numberless similar general interests, would go far toward reducing race misunderstanding, and in promoting mutual appreciation and good will as well as in creating community unity and community loyalty. It is clear that the race question can be solved in any community only by the coming together and mutual cooperation of the better elements in that community. State and county interracial councils also may be necessary in order to secure the establishment and wholesome functioning of local interracial councils.

A Federal legislative program is also necessary. All Asiatics who are lawfully in the United States should be guaranteed and should be given equal treatment with that accorded to every other group of foreigners and aliens among us. The fourteenth amendment should be scrupulously observed. Laws that conflict with treaty obligations should be repealed. Standards for naturalization should be raised and all who duly qualify for citizenship and desire to be naturalized should be granted this privilege, just as it is granted to individuals of every other continent. All racially discriminatory and therefore humiliating laws should be repealed.

In order to overcome particular abuses State laws may be needed to prevent unfair racial combinations in restraint of trade, unnecessary Sunday work, excessive hours of labor, unsanitary or immoral living conditions. Legislation fitted to prevent the development of congested areas of a single people or race may also be desirable.

Laws forbidding the purchase of agricultural lands by any aliens, even in the names of their minor children, may perhaps be desirable in case naturalization is open to all who are properly qualified. This would be a powerful incentive to citizenship. Surely aliens who plan for permanent life in America, as is indicated by purchase of farm lands, should be American citizens. All such laws should, of course, be general and apply equally to all aliens and all races.

It is assumed throughout the above sketch, but perhaps should be explicitly stated, that the policy here advocated does not contemplate or propose further Japanese immigration. Either the gentlemen's agreement should be continued or some substitute found equally effective in restraining new Japanese labor immigration from entering into the United States. If the gentlemen's agreement is to be continued, and if it is shown to be defective in certain respects, the Japanese Government would unquestionably give favorable consideration to suggestions for its improvement. The question of the dual citizenship, and dual military obligations of American-born children of Japanese parentage is one that should receive careful study by both governments, and a mutually satisfactory solution should be found. The difficulties of the situation, however, are more theoretical than practical. They can be removed by the application of a little common sense on both sides.

Such a policy as this followed out constantly for two or three decades would gradually solve the Japanese problem in an American and honorable way. American-born Japanese under such conditions would absorb American ideals, modes of life, and standards of labor. The strenuous economic competition of the Japanese now complained of would gradually vanish as the American born and American trained children took the place of their foreign-born

parents. These children would be as characteristically American as the American-born children of any other foreign people. Sunday labor and excessive hours of work would automatically cease, and also the agricultural labor of wives and young children.

The rising generation of Japanese would be distributed industrially and economically and absorbed psychologically and doubtless politically into the general community, which condition furnishes the most hopeful method for preventing the rise of Japanese group consciousness. There would be a strong tendency of English-speaking Japanese to scatter, thus serving to reduce the over-population in areas now congested.

The foregoing moral, educational, and legislative program for solving the Japanese problem on the Pacific coast appears to the writer to be the only one in which there is the least hope of success. Its weakness lies in the fact that it is neither sensational nor "political," nor will it secure striking immediate results.

The policies proposed, however, by the California Oriental Exclusion League can secure no salutary results whatever. They will only aggravate the situation. The Japanese are here with their wives and children. To get rid of them is out of the question; they are here to stay. How is California going to deal with them? In a spirit of bitter condemnation, twisted statistics, distorted half truths, and increasingly obnoxious and economically discriminatory legislation aimed at "aliens ineligible for citizenship"? Such a spirit and such laws will produce only increasing mutual animosity. This is no solution. The only hopeful alternative would seem to be somewhat along the lines here urged.

CONCLUSION.

The great world problem of the coming century is that arising from the contact of the white and yellow races. Shall it be a contact of bitterness, hostility, unfairness, and untruth in speech and act? Or shall it be kindly and helpful and considerate? Shall we seek war? Or shall we seek peace? The answer is still in our hands. We can create hostile foes by the million among our neighbors across the Pacific, or we can win them to friendship—according as our treatment of those among us on the Pacific coast is hostile or fair and friendly.

If we desire to keep Asia friendly we must be friendly ourselves. We must give to every Asiatic lawfully in the United States the very same treatment that we give to every other people. This alone is in fundamental harmony with the spirit and principles of our Republic and our Constitution. This alone is the course required by the Golden Rule. This alone can lay right foundations for permanent peace between the Far East and the Far West.

Mr. GULICK. In closing, Mr. Chairman and gentlemen, let me refer to the oft quoted statement by the poet Kipling, in which he declares that—

East is east, and west is west,
And never the twain shall meet—

And so forth. But it is generally forgotten that he goes on to say :

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.

And my life in the Orient has brought me to believe that there is no real difference in the inhabitants of the Orient and the Occident. The differences are superficial matters. I agree wholly with the statements of Mr. Webb yesterday that the admission of any number of Asiatics would be disastrous to our country. I indorse that. But that does not mean that we do not have to learn to live together as good neighbors, and we can do that and be good friends, and regard our moral obligations as between neighbors.

The CHAIRMAN. Doctor Schneder, we will hear you.

MR. GULICK. May I say, Mr. Chairman, in regard to Doctor Schneder, that he has been a student of this problem for many years: for 35 years he has been a missionary in Japan, and has a special knowledge of the Japanese people and of their speech, and I think he can speak for our American citizens in Japan.

The CHAIRMAN. Doctor Schneder does not need any recommendation to the committee. There is no doubt of Doctor Schneder's standing. He is known to the members of the committee.

STATEMENT OF MR. DAVID B. SCHNEDER, PRESIDENT NORTH JAPAN COLLEGE, SENDAI, JAPAN.

The CHAIRMAN. Doctor, is there any special point that you wish to speak on particularly?

MR. SCHNEDER. The main point I would like to make is to add my voice to whatever has been said in favor of keeping the gentlemen's agreement, perhaps in some modified form.

Officially, I represent the Board of Foreign Missions of the Reformed Church of the United States, having been appointed to do this by said board. However, I speak more in an informal way as a member of the American missionary body in Japan. The American missionary body in Japan consists of about 1,000 persons, and millions of dollars of money are expended in that work every year, and institutions, schools, and churches have grown up. Any legislation, whether in America or in Japan, that affects this work is, of course, a matter of very deep interest to us. Of course, when it comes to an issue between our own national welfare and the interests of missionary work in Japan there is only one answer that can be made—the missionary work must be left to stand upon its own feet. But when several courses are possible, then it seems to me proper that this question of the bearing of any action upon the missionary work that such a large proportion of the American population is interested in should have consideration. Now, I do not wish to spend any time of any account concerning the situation in California. That has been gone over very ably by Doctor Gulick, who has preceded me. I only wish to say that, so far as assimilability is concerned, perhaps we missionaries are in a position to know more than the people of California generally know, because of the peculiar and strained conditions that prevail in California.

I have lived, with my wife, for 36 years in the city of Sendai, in north Japan, and there we find that the barrier between the Americans and the Japanese is not great; we associate very freely with the Japanese people and they associate with us. We go into and out of each other's homes in about the same way as we would in America. And we know that in their thoughts and feelings they are much closer to us than might be supposed by looking only upon those that are to be found in most parts of California.

And as to the ability of the Japanese to become psychologically assimilated, I would like to give one instance. Years ago we had in the institution of which I am the head a young Japanese who became specially interested in science, and he came over to the University of Chicago, and after graduating there he spent a few years elsewhere, and then became a professor in the Wister Institute, of Philadelphia, which is now connected with the University of Pennsylvania. He got a wife to come over from Japan to join him, and he made his home in Ridley Park, in the outskirts of Philadelphia, and there he became a member of the community. He gradually became to be one of the elder members of the community, and he was looked up to by many of his neighbors as one of them, with whom they often consulted and with whom they had very pleasant social relations.

Now, two years ago that man was called back to head, or, rather, start, the department of biology in the University of the Northeast, which is located in Sendai. He accepted the position and came back with his family, a family of four children; and when his wife and his children arrived they were simply miserable. The children did not know a word of Japanese, but, what was more, their psychological outlook was absolutely American. The oldest boy, who was about 14 years of age, had entered high school in Philadelphia, and was, so far as psychology was concerned, absolutely an American boy. He did not want to have anything to do with Japan. He wanted to go back to America, and at last he had an attack of something like nervous prostration, and he finally was put into an American school in Tokyo, where he at last became happy with the promise that he was to be sent to America as soon as he was prepared for college. That is only one of the many instances that have come under my notice of the way in which, at least psychologically and so far as psychological make-up is concerned, there is the possibility of assimilation.

So far as the Japanese Government observing the gentlemen's agreement is concerned, I can say from the side of Japan that, so far as my observation has gone, the Japanese Government has seemed to try sincerely to keep that agreement. I am often appealed to to help students get passports to come to America, and I know how exceedingly difficult it is. I do not know whether this committee is fully acquainted with the method by which the thing is done. The way in which it is done is that the applicant has to apply to the local governor, the governor of the Province in which he lives, or to which he belongs, and there his application is carefully examined, and very often various inquiries are made as to the means that he has for support in America, and in all ways it is exceedingly difficult for a student to get a passport to America. I have never known that a laborer has gotten a passport to come to America.

It seems to me, too—of course, here I am speaking about something concerning which the gentlemen from California have a much better knowledge than I—it seems to me that this process of calling for wives or getting wives from Japan must soon come to an end, because those that are there now will be supplied.

And then the land laws that have been passed and have been upheld by the Supreme Court of the United States seem to me to have a tendency to cause Japanese to go back to Japan, not only farmers but also tradespeople who live from agricultural communities, or have been living from them. So, as far as I can see it—and I have also spent some time in California—it seems to me that the danger of a menace or the danger of the Japanese spreading over California and over America is very remote.

But now what I wish to speak of principally is the bearing of this clause in the Johnson bill upon the relations between Japan and America. As we all realize, the coming together of the East and the West is a process that has decidedly begun. Where there was one contact between the Orient and the Occident 30 years ago, there are a hundred contacts now. Through the improvement of communications, through travel, through commerce, those contacts have become very numerous. When I crossed the Pacific last May, I went up into the room of the radio operator, and he told me that the messages that were flying back and forth over the Pacific, there, right in midocean, never ceased to ring in his ears. It seems to me that it was a prophecy of what is coming; that there was going to be there, as the oriental nations wake up, a great center of world population and world commerce and world interrelationship. Now, it seems to me that that is one of the most momentous movements of the present day. The time is coming when it will loom up in greater importance. And the essential question of that coming together of the East and the West is the question whether it will be a peaceful and mutually helpful coming together or whether it will be otherwise.

Now, it seems to me the answer to that question depends upon the other question, whether America especially, and also, in part, Great Britain—but especially, whether America will avoid humiliating the oriental nations. I believe that there is the key to the whole situation.

Now, I believe that this clause in the Johnson bill, though it has been drawn up in all sincerity I know, will have the effect of humiliating the Japanese people. It will insult; it will estrange; it will embitter; it will endanger the good effect of the disarmament conference, and of the marvelously good effect of the magnificent Red Cross relief that was given to Japan at the time of her great calamity last September.

The CHAIRMAN. Were you in Japan at that time, Doctor?

Mr. SCHNEDER. No, sir; but I have much communication with Japan. On the other hand, here is the gentlemen's agreement. Now, I don't know the figures, but in a broad way I don't believe that it can be denied that it does work. It has not kept out all the immigration that it was, perhaps, expected to keep out, but it did prevent a tremendous influx of immigration that would have been possible had it not been for this gentlemen's agreement. I came across

the Pacific in 1905, and again in 1906, and I noticed shiploads of immigrants that were carried at those times. The gentlemen's agreement has stopped that. There are defects, but I repeat what Doctor Gulick has said, that the Japanese Government is reasonable. They want to be gentlemen and they want to meet America half way in any proposition they make to amend or modify the gentlemen's agreement.

One of the things that is still, so far as my view goes, very much to be regretted is the dual citizenship arrangement. Of course, there is excuse for that. Many of the Japanese that come over do not know whether they will stay here, or whether they will go back, and so they do not like to cut off their children from future citizenship in Japan. There are two sides to the question, even from the Japanese standpoint. But, nevertheless, the Japanese Government itself has raised the question whether it is not necessary to modify that law which they now have, making every child born of Japanese parents a Japanese citizen, unless that citizenship is renounced. That disposition of the Japanese Government was stated in a newspaper I received from Japan quite recently. The subject is being considered. And other points of the agreement that may develop can be remedied, I firmly believe, by consultation with the Japanese Government.

But now, what appeals to me is the fact that the gentlemen's agreement is an honorable way out in this difficult position between America and Japan; a way out that is not humiliating to Japan. And by implication later, perhaps, through other nations. It was arranged for under the administration of President Roosevelt, whose knightly soul enabled him to understand the spirit and temper of the Japanese people as perhaps few public men have understood it. The arrangement touches the knottiest problem between America and Japan, in view of the overcrowded condition of Japan, which was so touchingly and eloquently spoken of by Attorney General Webb yesterday. That overcrowding is at the root of the most difficult problem between Japan and America.

The gentlemen's agreement is a unique way of solving that problem without the humiliation of Japan. And it seems to me that that way of solving the problem in the providence of the God of nations is a boon to America and Japan and the situation upon the Pacific Ocean. It is an agreement that shows the way, I believe, for all future dealings between the Occident and the Orient. By mutual agreement rather than by statutory legislation these problems must be met; met by people on both sides of the Pacific who are reasonable and whose ideals are approaching more and more the ideals of America.

It seems to me it would be almost criminal folly to throw away this wonderful opportunity of solving one of the biggest, one of the most far-reaching, problems of the world to-day. It is on this basis, I believe, that a conclusion must be reached, if there is not to be a cleavage between East and West, between Orient and Occident that will be deep, and that it will be almost impossible ever to bridge.

Now, I would like to say a word concerning recent movements in Japan that may give us more confidence concerning the future

cooperation and mutual helpfulness of America and Japan. There was a time when the leading men of Japan felt that they must have a strong army and a strong navy; that they must look forward in some way to enlarging their territory in the same way that the occidental nations have done in the past. They must in some way provide for their own people in order to enable them to live. And yet, in spite of that fact, there has come to be a change on the part of the Japanese people, especially the younger generation. They have come to realize that the way for Japan is not the way of aggression and militarism, but the way of peace and friendship and cooperation with the other nations of the world; with America, with China, with Russia, and with the other parts of the world. There are men like Mr. Ozaki, who has never ceased to stand for peace with other nations and for a policy of friendship and good will. There is a professor in the Imperial University of Tokyo who is forever hammering at militarism and working in favor of friendship and good will with other nations. And there are others, including that professor in the University of California who spoke yesterday.

And then a few weeks ago there came to my house at Lancaster, Pa., where I temporarily reside, one of my former students. He has been appointed professor in the Imperial University of the Northeast, and spent two years in postgraduate study in Japan, and then three years in postgraduate study in Europe, and was then on his way back to Japan. That young man will be a man who will be an authority on the science of government, and who will be one of the molders of the future destiny of his own country. And what are his ideals? They are exactly the ideals of the other men I have mentioned, namely, a policy, not of aggression; a policy of good will with other nations; a policy of building up Japan as a manufacturing nation, and endeavoring to provide for her own people in her own territory in the best possible way.

Now, these men have the younger generation of Japan behind them. They are all filled with ideals that are very close to the ideals of the best life of America.

Just the other day I read this extract from an address by Viscount Kano, at a dinner given by the Chinese Students Union in London, at which the Japanese ambassador himself was present. His words are:

We are the unfortunate victims of a narrow nationalism and militarism. Avoid making the same mistake Japan has made, for however strong and wealthy your country may become, it will only travel along the same path of ruin as long as she adheres solely to the purpose of achieving her own national aggrandizement and selfish well-being.

Now, that is from a leading business man of Japan. It shows that his ideals are not different from the best American ideals.

And then here is an extract from an editorial that appeared in January, 1923, in the Japan Advertiser, which is the leading English paper in the Orient. It says this:

Undoubtedly one of the most remarkable and encouraging developments of recent years in international affairs is the new outlook of the Japanese nation on the world and its place therein.

Within a very short period the majority opinion of this country has ceased to approve policies undeniably imperialistic, and has come to support a foreign policy marked by a desire to cooperate with other great powers, and to con-

ciate less fortunate neighbors. The change from a policy of competition to one of cooperation, we believe, has been achieved and there is no brighter ray than that on the lowering horizon of our world to-day.

Japan, I believe, is eager to cooperate with America and with Great Britain in furthering the highest interests of humanity. There is a spiritual affinity between Japan and the best life of these western countries of which perhaps few in America dream. And I believe that that is the hope of the Orient, and not the danger of the world; because whatever involves the Orient eventually will involve the world. Japan is achieving a position of leadership in the Orient. She is an educated nation. She has her compulsory system of education and has had for over 40 years. She has a college and university grade education that compares well with that of western countries, and she has had her representatives all over the world during all these years studying everything that is best in all the world everywhere. Japan to-day is one of the most intelligent nations in the world, and is at the same time achieving a height in her ideals which places her side by side with the western nations to a very remarkable extent. Years ago it was her growing army and navy and her military prowess that placed her on a par with the western nations. During the Russian war she was patted on the back for having such military prowess. But the respect in which the younger generation in Japan and the dominating spirit of Japan wants to stand with the world to-day is not in military preparedness, but in the ideals of human life and in working and cooperating with all the world for a better and happier humanity.

Now, I hope that America will not disappoint this, in a sense, young nation growing into the best of the world's life to-day; that she will not disappoint her especially through what would amount to an abrogation of a sacred treaty which this country has with Japan. I do not believe that America can do that. I do not believe that America will do it, for it would be a disappointment to Japan; a disappointment not only in America, but a disappointment in the very principles of justice and humanity that all nations are endeavoring more and more to maintain.

President Roosevelt has often been referred to here; I believe that if President Roosevelt knew the situation to-day; knew the tendencies that are at work in Japan, he would say, "Be patient; continue this gentlemen's agreement; this mutual confidence between Japan and America still further in order that the great chance originally fostered by the gentlemen's agreement be not forever lost."

I thank you, Mr. Chairman and gentlemen.

The CHAIRMAN. The committee will now take a recess until a quarter past 2.

(Thereupon, at 1.10 o'clock p. m., the committee stood on recess until 2.15 o'clock p. m. of the same day.)

AFTER RECESS.

The committee reconvened at the expiration of the recess, Senator Colt presiding.

The CHAIRMAN. The committee will come to order. We will first hear Mr. Bowles.

Mr. GULICK. Mr. Chairman and members of the committee, I wish to say that Mr. Bowles has been a missionary for the Friends in Japan for 25 or more years. He is the father of the peace movement in Japan. I have known him from the beginning and from the first laying of the foundation for the peace ideas. He has been the chief worker, and those ideas have received a very wide acceptance by leading Japanese, which Doctor Schneider spoke of this morning.

STATEMENT OF MR. GILBERT BOWLES, RICHMOND, IND.

Mr. BOWLES. Mr. Chairman and gentlemen of the committee, although unauthorized to speak for any committee of the federated nations, the present conference of federated nations in Japan, I have served as chairman and at other times as secretary of the committee on international friendship, dealing with American-Japanese questions especially and with other international questions.

I feel that I may interpret the spirit of that committee which represents practically all of the Protestant missions working in Japan, and I think I can interpret that spirit and attitude by referring to the message of Doctor Schneider, who, in his message, interpreted the attitude and the appeal which the missionaries from America would make, and that appeal it has been my responsibility, on behalf of this committee, to interpret by cable at different times and by letter, recognizing that we are American citizens as well as representing the different churches.

Just a word as to the problem on the Pacific coast. Although I have lived and worked in Japan for 23 years, I have not ceased to be vitally interested in the problems here in America, and this question of the oriental immigration, the Japanese resident on the Pacific coast, comes close home to me when I visit America, as I have at four different times.

I have a brother engaged in growing fruit in the Yakima Valley, to which reference was made yesterday. I have visited that myself three different times. I have nephews and nieces and cousins in California and Washington, and I could not if I would, and I would not if I could, detach myself from the problems of those there on the Pacific coast who face these questions.

I wish before stating my own views to refer to just one statement that Doctor Gulick made this morning. I think he would have added a little more to that if he had realized the true comparison between American children born in Japan and Japanese children born in America.

Our own two sons were also registered at the American consulate in Yokohama, but they are not by birth citizens of Japan. One of them was born in Japan but was not, therefore, a citizen of Japan. I think that point Doctor Gulick would have explained himself if he had thought about it. I mention that to say that I believe that the question of dual citizenship is one which our Government, with the Government of Japan, should press for a solution in the spirit of conference, and I can vouch here by personal knowledge that the influential Japanese who are interested in American-Japanese problems, and in the whole problem of world cooperation, are themselves committed to using their influence toward settlement by action of the Japanese Parliament this question of dual citizenship.

I recall now a conference which I attended at the end of May held by the Tokyo Bankers' Club. That conference was attended by the leading men who represent business and education, and in a private way the official life of Japan. The spirit of that conference was certainly as I found it on many occasions, very definitely committed to going into all of these questions, not only questions of dual citizenship but every other problem which makes the relations between the two countries difficult.

The CHAIRMAN. The question of dual citizenship exists with regard to many of our nations, you know.

Mr. BOWLES. Yes; it is not peculiar to Japan alone.

The CHAIRMAN. A child born of American parents abroad is an American child and is recognized as such, so the question of dual citizenship arises in many cases out of our complex international relations. The only way it can be settled is through diplomacy, etc., and I do not know then if it can be entirely settled.

Mr. BOWLES. I went home last evening after having listened to the messages of the day, and awoke this morning with this feeling: I have lived in Japan; I have known the Japanese people for 23 years, have known them in all possible circumstances of life, have been in their homes, have had them in our home, slept in their homes, and known all classes of the Japanese people for 23 years; but the Japan which we had interpreted yesterday is not the Japan that I know, and I feel that congressional action based upon that interpretation of Japan would certainly be a mistake, very definitely, as I understood the interpretation yesterday, upon the belief that the Japanese being orientals are now and forever will be unassimilable.

Mention was made of the fact that heredity, religion, and national relationships and all the things that mold life forever make that change impossible; but I say that is not the Japan that I know, it is not the Japan that I know from history. I have been going through the history of Japan since returning to America—I landed at Seattle the 11th of July—and have been trying to interpret the present thought movements in Japan in the light of the modern history of Japan.

Reference was made to the vote. The idea of a vote does have some influence; it has a very decided influence upon certain groups of Japan, but the men who have made modern Japan, who have shaped her reorganized government and her educational system and are gradually remodeling the life of Japan, have certainly not been controlled by that idea. It is something which they fight and have fought manfully.

When I think of the present president of the House of Peers, Prince Tokugawa, one of the delegates to the Washington conference, I remember that if the old régime had continued he would have been the military dictator of all Japan, the Emperor living in forced retirement. Remember that that adjustment took place in orderly ways, and that he has to-day adjusted himself to this change. The modern Japan has been uniformed, and that whole movement has taken place as a result of very deep affections, the leaders in that movement showing that they can adjust themselves and are anxious to adjust not only their personal attitudes but the educational and social systems of the nation.

When I think of Viscount Shibusawa I remember a story I have often heard him tell. When news was carried through Japan to all of the villages and farms of the coming of Commodore Perry in 1853, Viscount Shibusawa hastened to what was Yado ready to fight against the coming of these foreign ships from the west. As indicating the change which has taken place I read a paragraph from a letter written on November 26, as follows:

Our people are full of gratitude toward the Government and people of your great Republic for all they did at the time of Japan's sore need. After working for years to promote a better understanding and closer friendship, I feel a deep right in seeing what has taken place between the two Nations, admiring, at the same time, the marvelous work of providence.

When I think of Admiral Baron Kato, who was in fact but not in name the leader of the delegates to the Washington conference, I remember that he and the other delegates were deeply and profoundly impressed with the absolute sincerity of the Government and the people of the United States and by the statement of President Harding and of Secretary Hughes. Admiral Baron Kato and the other delegates used their influence upon the Japanese Government, and the Japanese Government upon the naval circles and the men who had been educated in our colleges and universities, and had come under American influences, to educate the Japanese nation to face what they saw to be the world tendencies toward reduction and limitation of armament led by our Government.

The CHAIRMAN. What is the condition of the elective franchise in Japan?

Mr. BOWLES. \$1.50, a very small amount of direct taxes, gives one the right of suffrage, but according to that limitation only one-fifth, that is, 3,000,000 of the 15,000,000 men of voting age, have the right of suffrage. That is one of the great problems, and a campaign is now being carried on and is more far-reaching in its purposes and its possible effects than anything Japan has yet done.

The CHAIRMAN. They have a slight property qualification?

Mr. BOWLES. That is an income tax of \$1.50 a year.

Senator SHORTRIDGE. Women do not vote?

Mr. BOWLES. No.

The CHAIRMAN. That is, males 21 years of age that pay a tax of \$1.50 are qualified?

Mr. BOWLES. It is a direct tax, yes.

The CHAIRMAN. About how many would be qualified?

Mr. BOWLES. Three million, approximately, one-fifth.

The CHAIRMAN. Three million voters?

Mr. BOWLES. Yes.

The CHAIRMAN. I understand you to mean that the general movement of the world toward democracy, placing it upon a broad scale of universal suffrage, which exists in Great Britain and in France, is extending to Japan?

Mr. BOWLES. At the present moment there is in power and has been since early February what the liberal leaders of Japan believe to be a cabinet that does not meet with their ideals—I will use that word in this connection—and the Parliament has been dissolved.

The CHAIRMAN. Is the Government practically carried on by the cabinet, the same as it is in Great Britain?

Mr. BOWLES. The cabinet up to the present time, is not, as it is in Great Britain, directly responsible to the Parliament, and that is the question at issue. It is that question that the liberal leaders in Japan have been working for for years, and one who knows Japan recognize that they will continue to work for that until it is realized; a cabinet directly responsible to Parliament.

It is interesting to note that perhaps the most conservative of the so-called liberal parties has been split in two and the leader. Viscount Tokahashi has given up his title of nobility and as a plain commoner represents one-half of the old constitutional party of Japan.

The CHAIRMAN. Well, owing to the separation of powers under our Constitution our cabinet is not responsible.

Mr. BOWLES. Perhaps not: and that reminds me that those of us who hope for the triumph of real liberalism of the best type and democracy in its better sense and the international spirit in its better sense feel that as the best elements in the United States and Great Britain can understand and cooperate with the best elements in Japan there is hope for the triumph of liberalism in its best sense.

In proportion that the liberal leaders of Japan—the men who are really shaping Japan—believe that the best people of the United States understand them and will work with them they become strong, and in proportion that they feel the best people of America are failing in times of crises to understand their task becomes doubly difficult and the power of the reactionary and nationalistic forces becomes stronger.

The CHAIRMAN. Has Japan a liberal cabinet to-day?

Mr. BOWLES. The liberal members say no. It is more bitterly criticized, perhaps, than any cabinet Japan has had in a long day, and the liberal leaders do not believe it will stand. I am only interpreting what the liberal leaders say.

Another incident indicating the trend of Japan is in the fact that in October, 1918, as one of the members of the continuous committee representing the conference of federated missions in the Japanese Federation of Churches, the Minister of Home Affairs, Mr. Tokunami, at the annual conference said:

I appeal to you as foreigners—that is, in common terms, British and American—Christian and Japanese leaders, to do three things, to help us in the achievement of three things.

He mentioned first the building of character, and as the result of that building of character he believed that their influence would help to make a stronger nation. The third point is what I wish particularly to mention. In the third place, he said:

You are more sensitive to the best things in the life of the world than any other section of our people, and we depend upon you to interpret to us and to our people these finest things in the world movement at the present time.

That is significant when a cabinet minister can address a group of Christian workers meeting in national capacity to face the problems before them.

I speak with hesitancy about one thing. The Japanese speak with hesitancy in mentioning a member of the royal family, but I do it for this reason: Again and again we have had it charged by those carrying on this campaign in America that all Japanese are wor-

shippers of the Mikado in the sense that makes them so completely national in their outlook that they can not think in liberal terms. We need but remember that the present prince regent, because of the ill health of the Emperor, has the authority of the ruling sovereign. Two years ago he made a trip to Europe, and on that long voyage and during his journeys on the Continent of Europe and in Great Britain he had as his intimate adviser one of the most liberal-minded young men, a Christian, in touch with and knowing the best things in the life of the world. That young man had spent six years in the Japanese Embassy in London, and I know by personal acquaintance and knowledge that during that contact he had every opportunity to interpret the great world movement.

Whatever is finest in the western civilization and whatever is finest and promising in comparison of the west—and we know the degree of freedom, shall we say—we say it with hesitancy which is becoming to feel more of intimacy between the Japanese people and the sovereign. That does not mean, as I understand, any weakening of that loyalty, but it means as we look forward in the future to a possible liberal régime in Japan with a definite support of the Prince Regent when he comes to the throne, a young man now, only 23 years.

The CHAIRMAN. Since the advent of Commodore Perry, has not Japan endeavored to incorporate into her polity all the best ideas and ideals of western civilization?

Mr. BOWLES. Yes; she has.

The CHAIRMAN. Has it not been her policy to adopt that which she believed to be good and to reject that of which she did not approve?

Mr. BOWLES. Yes; to put it definitely from the earlier contacts until the early nineties, and especially during the eighties. During the eighties there was a movement to adopt almost wholesale things western, and then there was a period of reaction during the nineties, and from the beginning of the present century the attitude of the Japanese has been certainly one of fair and unbiased criticism of whatever is best in western civilization. They are able to analyze now and compare that which is good with that which is not good.

Following that process of searching criticism and judgment, there is without question a continual bringing into the life of Japan of whatever is best in the western world.

The CHAIRMAN. What I would like to say is that I know of no example in history, whether of an oriental or a western nation, that has taken the attitude, generally speaking, of Japan in not being governed by her old traditions, but in trying to adopt that which was good in what you might call western civilization. Can you not then say that in the end she will adopt the best religion, namely, the Christian religion?

Mr. BOWLES. Well, that is my personal belief.

Senator SHORTRIDGE. Their dominant religion is Shintoism, is it not?

Mr. BOWLES. Yes; if you take it in the field of the state, their relation to the nation. In relation to problems of the future world, Buddhism; in relation to ethics and family life, Confucianism. But the influence of Christianity in Japan is far greater than is indicated by the numerical membership of the church.

What I read from the statement of Mr. Tokunami, the minister of home affairs, awhile ago—he was not then and is not now a Christian—indicates the attitude of intelligent men.

The CHAIRMAN. Is there governmental opposition to the introduction of Christianity?

Mr. BOWLES. No; there is not. It is significant that recently the present premier called together representatives of three great religions, a Buddhist a Shintoist, and a Christian. Of course, since Japan gives freedom to religion, according to the constitution, they do not favor Christianity and they do not favor any one religion. Shintoism is, in a measure, favoring a type of state religion, but the Government interpretation is different from that.

As western people are interested in Christianity, and since that question has been raised, the thoughtful men are testing to-day what Christianity is doing in our Western World, and they are not inclined to take it wholesale in so far as Christianity removes prejudice and broadens outlook and makes people more sympathetic and more just.

The CHAIRMAN. Do not let me interrupt you further. Please proceed.

Mr. BOWLES. There is in Japan a great outburst against what America has done. I have been in Japan through those periods of testing, and I know pretty well and will give you two incidents which I think are indicative of the spirit with which the most influential people in Japan in the past have met these very difficult situations for them.

In 1913, when that legislation was pending in California, I attended a large meeting held in the Y. M. C. A. hall in Tokyo. For two hours a packed audience listened to Mr. Miyoka, one of the greatest lawyers of Japan, who had had experience in the Japanese consular and diplomatic service for 25 years. He interpreted to that great audience the Constitution of the United States in relation to the doctrine of State rights to that of national sovereignty. That was the way that audience was meeting that question.

As another illustration, Marquis Okuma met that situation at his home. Although not a Christian himself he called together a group of American missionaries and Japanese Christians and discussed the political situation, but he appealed to those men to pray. He said:

I am not a Christian, but you know where to bring down power upon men, even upon statesmen when they are facing a difficult question, and so I call you to pray at the present time.

This is indicative of what the people who know the influence of Christianity in America think at times of such crises. There is a serious side to this. I feel that it was mentioned this morning. The passing of that provision which would exclude aliens ineligible to citizenship, as it would strike directly the Japanese, would without doubt meet with very strong feeling all over Japan, and I have this belief, that the people who know America best would still say, even in that crisis, as they have said time and time again, that in the end America will do right. That has been the confidence up to the present time of the best men; that in the end America will do right. That has taken Japan through many a crisis in these international questions, and my concern as an American citizen, know-

ing something of the temper and spirit of Japan, is that that confidence shall never be broken, and I feel that upon that confidence the best men in America and the best men in Japan can face fairly and squarely any question that might arise. And I am thoroughly convinced of this, that a very large initial group of Japanese men—and I would say it of other orientals—I believe it of the Chinese definitely—that granted the same body of facts they will come to the same moral judgment, and that is something upon which we can build, and because of this deep confidence I can not believe there is that impassable wall between the East and the West.

Therefore I feel that in dealing with the question of immigration as touching the orientals it ought to be upon the basis of conference, and I hope that will be the attitude in the future, not only in relation to the Japanese but also the Chinese.

Just one further word, a definite illustration. Doctor Sawanagi, who has been the president of two of Japan's Imperial universities, returned from a world tour in early August of 1922. The first statement that he gave out through the press was to this effect:

My observation of the educational ideals and systems of the world at the present time has brought me back to Japan, with the very deep conviction that any system of education that is not international and world-wide in its spirit and its scope is doomed.

Doctor Sawanagi is helping to shape the educational policy of Japan along that line, and to that end he was the leader in organizing in Japan an association for international education. That association sent to the conference held in San Francisco this last summer five or six delegates who went back to Japan carrying the spirit of that great conference.

A word as to the experience of our own son born in Japan. Up to the time he was 17 years old he had spent only two years in America. Landing in San Francisco and going to southern California to find a position to work during the summer of 1921, he reported to me later that he found the Japanese attitude toward Americans different from that which he had found in Japan. When he approached them at first—he was accustomed to talking with them in their own language, as he speaks Japanese as freely as English—he said it was difficult to get through that crust of reserve. He said that granted a common attitude on the part of the people where Japanese live, it becomes increasingly difficult for them to open their own minds and hearts, and therefore it becomes increasingly difficult, and in my own opinion it becomes impossible, for Americans living in the same community to understand heart and mind granted that attitude on the part of Americans.

But I am certain, from experience in moving about in California and Washington and Idaho and mingling with Japanese and meeting with them when we go back to Tokyo and hear them speak in their own language to their own people, that whenever American people maintain toward the Japanese that attitude recognizing them as members of the common human family, recognizing that they are not separated from us by that impassable wall of the division between the Occident and the Orient—but there is a common ground of our common humanity, and as we come to know them we find that their moral judgment will agree with the best of the Japanese—

I am sorry I can not say that for all of them or for all Americans, but I say the best Japanese and those who are shaping the Japan that is to be. I think upon that we may build, and that is the thing that makes me hope as an American citizen living in Japan and knowing the Japanese that we shall continue to deal with this problem and with all of the problems which are before the two nations and which will come from time to time on the basis of frankness.

I may say here that I agree with Doctor Schneder and with Doctor Gullick, and I believe I voice the opinion of practically all missionaries in Japan in that they believe that under present conditions, economic and social and psychological, very strict limitation is the thing to do, and granted that and granted a fair deal and granted proper cooperation in distribution with opportunities for citizenship in the future, there is no reason why this very perplexing question may not be settled in a way to meet the legitimate demands of those who do feel the economic and social pressure involved.

Senator SHORTRIDGE. Doctor, assuming the word in its political sense, are you an internationalist?

Mr. BOWLES. What do you mean when you say in a political sense?

Senator SHORTRIDGE. Well, as I said. I use it in its political sense. Are you what we call in modern political literature an internationalist?

Mr. BOWLES. In spirit I am, although recognizing my loyalty to the United States Government and working as an American citizen, and I may say that whatever international work I have done in Japan has been always with the full knowledge of and closest cooperation with our accredited representatives in Japan; such as arranging meetings from time to time at which our American Ambassadors—at least I remember four—have spoken at meetings so arranged, and I think, if I understand your term, I am an internationalist in the sense that I believe international cooperation is possible for nations, but that does not mean the breaking down of loyalty to our own Nation, and giving up our institutions except as time and experience prove that they ought to be changed. I do not know whether that answers your question or not.

Senator SHORTRIDGE. Well, it is your answer.

STATEMENT OF MR. FRANCIS R. TAYLOR, REPRESENTING THE RELIGIOUS SOCIETY OF FRIENDS.

Mr. TAYLOR. Mr. Chairman and gentlemen of the committee, I represent the Religious Society of Friends, commonly called Quakers of Philadelphia, and appear on their behalf in opposition to clause 12-B of the bill, amounting practically to a restriction of admission of Japanese to this country.

I think I need trespass very little upon the time of the gentlemen of the committee, because I believe the atmosphere has been very much cleared by the telegram received this morning from the San Francisco Chamber of Commerce and by the very lucid and cogent suggestion that the chairman of the committee threw out this morning at the opening of the session.

I must confess I was very considerably disturbed last evening by what appears to me to be the reckless disregard of the gentlemen

from California in their presentation of the subject, the reckless disregard of the international relations in pressing for the obtaining through legislation of what probably through diplomatic channels could be just as readily obtained and probably more readily obtained as through the regulation of admission of Japanese citizens or immigrants to this country; more readily changed and that without hurting in any particular whatsoever the feelings of the Japanese people.

It seems to me that any action which this committee may take, any recommendations which this committee may make, upon what is admittedly a domestic policy, that is, a domestic regulation of immigration and emigration, with which I grant no other nation has a right to meddle—that whatever action this committee may take, if those things which have to do with the larger policy of the Government as shall be delegated to that portion of the Government that has to do it, namely, by the executive end of the Government, by and with the advice and consent of the Senate—

The CHAIRMAN. I was in no sense speaking of what the committee might do.

Mr. TAYLOR. I used the word "suggestion" advisedly on that account rather than "decision."

The CHAIRMAN. I do not want it understood that I was in any way speaking for the committee.

Mr. TAYLOR. It was a great comfort to me that you made that suggestion. It seems to me that these supposedly insolvable conflicts that we have thrown to us in such books as *The Rising Tide of Color* and *The Yellow Peril*, and that sort of thing, are simply another element of those age-old conflicts that can be settled if they are anticipated in time. And all of us agree at the present time that the center of gravity of the world has shifted, owing to the events of the last decade, from the Atlantic to the Pacific and that the old policy of the United States, started, as we heard yesterday, in 1790, as to the exclusion of any line of color and modified following the Civil War as to the black race, the African—that that old policy of the United States in the interest of the amicable dwelling together of the peoples of the earth will have to be modified. But I take it that national legislation is not the way in which to modify those policies. I take it that the diplomatic end of the United States Government is the end of the Government that must undertake that and consequently that the provisions of the Johnson bill to which I have referred, section 12, subsection (b), that those are irrelevant and impertinent to the issue for legislation by Congress.

Now, these irrepressible conflicts have come down through the ages bearing upon different kinds of questions. There have been the territorial questions that have proved to be irrepressible conflicts. There have been political questions, and the history of the human race in the past shows that those things can be settled and in many instances have been settled, peaceably and without interposition of warfare if the parties involved—they usually have been nations rather than people—have quietly and candidly and in advance set themselves to the peaceable solution of them.

And now we have what seems to be the unsolvable problem—the problem of racial conflict. It is another one of the long series—a

conflict that seems to be as unsolvable as the conflicts in the wars of religion. And yet, as far as any fundamental differences are concerned, we hear nothing about the race religions of Christianity which for the past part of a century were pitted against each other—Catholicism against Protestantism. They have been solved, and I believe in all candor that the solution of the interracial problems is amenable to the same kind of candor and advance approach.

Our tariff legislation in the House, our immigration legislation in both Houses, our internal policies, necessarily cut across into all sorts of intricate relationships that have to do with our foreign relationships; and in so far as they do cut across, just to that extent they must be made subsidiary to the wider purposes of the Nation and handled through commercial treaties or treaties in amity and relationship by the diplomatic end of the Government.

The question that the gentlemen of California have put before us is one with which we can all sympathize with them. It is one that does not lend itself to an easy solution. And yet it is one of the three and possibly four problems of the same kind that face the country in three or four different sections.

I would be overjoyed if they would take with me next summer when the weather would be auspicious, a trip to the coal regions of Pennsylvania, where we have to exactly the same extent the same kind of an undigested population that they have in certain thickly populated districts in California. I will take them to places in Pennsylvania where the Pennsylvania Germans still speak German, although they have been in this country for 50 years. I will take them in half a dozen counties of Pennsylvania where they can find Hungarians and Italians, people who have been taken there by the force of circumstances of immigration and foisted down upon a stock of native-born Americans perhaps 100 years ago, where they retained their own relations as to marriage, their own language, their own institutions; where their churches have the appearance of a Mohammedan mosque with minarets rather than the cross of the Christians, where there is a foreign element present so that you can hardly understand a word when you go through the streets of the village.

Allusion has been made to the undigested elements in the South, to the great black belt of Alabama, for instance, where you can hardly see a white man in a day's travel. I do not say these things in order to alleviate at all the seriousness of the problem that California has before her. I simply mention them in order to show that other sections of the country, without calling upon the National Government for this kind of legislation of exclusion, or taking in what is considered as an undesirable alien population, and are endeavoring to work up against that proposition and by force of education or Americanization to alleviate that situation by education. It takes years to do it.

I have mentioned the Pennsylvania Dutch. They can talk English to a certain extent, but it is pigeon English; they can not converse in any language except a modification of the German language.

We saw in 1830 the great influx of Irish, and we can remember from our history the undesirable nature of those Irish. From Mr.

McClatchy's name, I would not be at all surprised if his ancestors were among them. They were considered at that time as a raw element.

The CHAIRMAN. What was the attitude of those undigested stocks, if you please, toward the American Government during the war?

Mr. TAYLOR. The Civil War?

The CHAIRMAN. I mean the last war.

Mr. TAYLOR. They were absolutely faithful to the call of the American Government. And in the Civil War—

The CHAIRMAN. No; I was not talking about the Civil War. I was speaking about the last war.

Mr. TAYLOR. They were absolutely faithful to the call of the Government.

The CHAIRMAN. Both in subscriptions to the governmental loan and in other respects they were loyal?

Mr. TAYLOR. I have no statistics to prove it, but my impression is that as far as that is concerned they were absolutely on a par.

The CHAIRMAN. What injury, then, are they doing to our body politic, socially, politically, or in any other sense?

Mr. TAYLOR. Simply the injury, sir, of one generation, and it is to that point that I wish to address myself.

The CHAIRMAN. What do you mean by the injury of one generation?

Mr. TAYLOR. The inability to adjust themselves to American circumstances during the passing of the first generation.

The CHAIRMAN. But while they are in the undigested state, while they are foreign born, what injury do they do?

Mr. TAYLOR. As a class, no injury; as individuals they do some injury.

The CHAIRMAN. Do you want all Americans made up just the same, to look just alike, to dress just alike, and to be absolutely homogeneous?

Mr. TAYLOR. Not at all.

The CHAIRMAN. Is not there strength in variety?

Mr. TAYLOR. Absolutely.

The CHAIRMAN. Look at the Englishman and the Scotchman; absolutely different nationally and yet politically one; and in that diversity there is strength.

Mr. TAYLOR. And I believe therein lies the great strength of the future of America. I believe it is the interfusion of these great strains. There are no Simon-pure descents of America at the present time, and I believe by the infiltration of those national strains into this country of ours there will evolve into the American Nation a strain that will be dominant in the world for everything that the world holds best.

Senator SHORTRIDGE. Racially, you mean?

Mr. TAYLOR. Racially.

The CHAIRMAN. Racially, every race is a composite race. The Scotch are made up of three or four different races, if you go back far enough.

Mr. TAYLOR. The English as well.

Senator SHORTRIDGE. The Irish civilized the Scotch, did they not?

The CHAIRMAN. I think they did if you go back far enough. Our Anglo-Saxon ancestors were the greatest pirates ever known in the

world. You do not have your pride of race if you go back far enough into history.

Mr. TAYLOR. I have none whatever, sir, which brings me to the point that I started to make, that hearing yesterday that there were no Japanese—and if I am wrong in this, Mr. McClatchy will correct me—certainly in Hawaii, and I presume in California, prior to 1880—am I correct in that?

Mr. McCLATCHY. Practically so.

Mr. TAYLOR. That leaves a span of practically one generation—44 years.

Senator SHORTRIDGE. There has been no change.

Mr. TAYLOR. I will come to that in a moment. Practically 44 years in which there has been no pressure of this kind, except in the last 20 years.

The CHAIRMAN. I did not catch what you said before.

Mr. TAYLOR. That there were practically no Japanese in California prior to 1880, and that the problem has not become a pressing one, except in the last 20 years. My opinion is that they will amalgamate themselves, that they will adjust themselves to present American circumstances, if they are granted the right of citizenship and do not have to register as foreign born.

I have had no experience with California, but I have had with Mexico. I have met in Mexico various Chinese—never Japanese—but I have met in Mexico, Chinese who are perfectly satisfied to remain in Mexico and have no desire to emigrate to the United States; Chinese who have married Mexicans. I will admit that that is not the same thing as intermarrying with Americans.

I know of one Chinese who married a Mexican woman and they have 10 children being educated in the American schools across the border. He told me that his daughter was the secretary of the American High School Y. W. C. A. at Eagle Pass, indicating that there are Chinese in Mexico who have been smuggled into San Francisco and have gone to Mexico and prospered there, a different route from that which has been suggested as the usual route of Chinese into the United States. They had gone from San Francisco into Mexico and were happy to remain there and have prospered there.

The only objection that those agriculturists of Mexico had, and the objection was principally on the part of American citizens, resident in Mexico and active in agriculture, was that the sun-kissed organization of California, under the guise of a quarantine had practically worked an embargo against Mexican citrus fruits coming into the United States.

But my point is, that if these people are given opportunity of education—it may have to be by different schools, as it is in the South with respect to the negroes—if they are given the possibilities of citizenship, there is nothing fundamentally different in their racial approach to the problems of world policies and of American policies that will differentiate them in language from a thorough amalgamation with an American political commonwealth, and I believe if we tried it for more than the two-thirds of a generation that they have had at the present time, that statement would work itself out.

The CHAIRMAN. The native-born of native parents are always classified under all the census reports as Americans. There are

58,000,000 now of native-born of native parentage. That means the third generation. They do not classify the second generation. There are the native-born of foreign or mixed parentage, and then you come to the foreign born. There are those three classes. One is about 13,700,000, the other about 23,000,000, and then you get down to the basic number of 58,000,000. Now, with that 58,000,000 it is impossible to differentiate stocks. Then if you take the second generation we will forget almost the stock from which they sprang.

You know it is said that the Janizaries, the most fanatical Mohammedans, the most ruthless in their warfare in the Balkans, the present army of the Sultan, were born Christian babies and educated in Mohammedan families.

Mr. TAYLOR. As a final word, my plea would be that the committee take into consideration the fact this is something broader than the mere question of immigration. The action that this committee takes as to the immigration policy, particularly in the Pacific regions, is one that will react and that certainly will react if there is anything recommended that may be interpreted by Japan as a hostile or unfriendly recommendation regarding the right of movement of her nationals.

I do not wish to take more time in discussing the gentleman's agreement or various other things that have been before your committee at great length this morning; I simply wish to thank you for the courtesy and patience with which you have listened to me and my colleagues and to express the hope that some solution of this problem will be made as to the Japanese.

The CHAIRMAN. We wish also to thank you for the information you have given us.

Senator SHORTRIDGE. Do I understand you to express the belief that the Nation should change its age-old policy in respect of citizenship?

Mr. TAYLOR. As to the Japanese, yes.

Senator SHORTRIDGE. You limit it for the moment to the Japanese?

Mr. TAYLOR. To the Japanese, and I think in the future to the Hindus and Chinese.

Senator SHORTRIDGE. You think it would be desirable that they become American citizens?

Mr. TAYLOR. I should think so. I think it would solve a great many of these problems and also dovetail in with the request that ought to be made upon the Japanese Government as to dual citizenship.

Senator SHORTRIDGE. You mentioned the word "marriage," or possibly the word "intermarriage." Do you think it desirable from any point of view that there should be intermarriage as between the Caucasian or Aryan branch of the human family and the Japanese?

Mr. TAYLOR. One of my mother's dearest friends married a very highly polished gentleman of Japan and is exceedingly happy. I would have no objection to my daughters marrying Japanese men of similar type.

Senator SHORTRIDGE. Do you think that as a national policy it would be desirable from all points of the social compass to permit, by law or custom, intermarriage as between, let us say, the American citizen type or branch of the human family, the Caucasian and Aryan, to limit my question, and the Japanese?

Mr. TAYLOR. I do.

Senator SHORTRIDGE. Do you think the offspring, the highbred offspring, would be a desirable specie of the human family?

Mr. TAYLOR. I think so from two experiences I have had with two extremely cultivated young men who were the offspring of American and Chinese.

Senator SHORTRIDGE. I merely wished your views upon that subject.

Mr. TAYLOR. I might say, in connection with mixed marriage, that we have some picture brides. We have some American instances of that. I believe the immigrants to Jamestown did something of the same kind.

Senator SHORTRIDGE. Pocahontas, though, was of a fine American strain.

Mr. TAYLOR. Better than you or I, Senator.

The CHAIRMAN. You rather take the Rome view, as I understand. Rome comprised the Mediterranean world and was a world empire, composed of different races and different religions, and the Emperor said one day: "We will confer Roman citizenship upon all these races; we will recognize all religions," and that edict was issued, and Rome for 500 years maintained the peace of the world that has never since been equaled. In the eyes of a Roman his citizenship was the greatest of his possessions. I do not mean to say that the Roman policy is adaptable at the present time, etc.; I only say that these historical instances are instructive and often call upon us to modify our opinions of isolation, isolation with fifty-odd nations dominated by sovereignty, isolation with respect to Europe. As you know, Europe for years before the outbreak of the World War was nothing but an armed camp. In order to meet present world conditions we must substitute some form of cooperation for competition and isolation.

Mr. TAYLOR. And may I add to that that that same Roman citizenship has more of the fundamental character in the halls of this building to-day than any other single national strain that ever existed?

Mr. GULICK. Mr. Chairman, Mr. Turner, the next speaker, is the secretary of the Foreign Missions Conference of North America, which has in its membership practically all the foreign mission boards of the United States and Canada. He is well acquainted, therefore, with the workings and with the spirit and purposes of these very large constituents interested in foreign lands, and, of course, in Japan among them.

STATEMENT OF MR. FENNELL P. TURNER, SECRETARY FOREIGN MISSIONS CONFERENCE OF NORTH AMERICA.

Mr. TURNER. Mr. Chairman, I desire to submit a resolution adopted by a committee of this conference when this bill was brought before it. After much discussion and a study of the letter of Secretary Hughes to Mr. Johnson, it was decided by our committee that we would attempt to draw up no resolution—

The CHAIRMAN. I hope you will bring us back to the subject. We have wandered far afield.

Senator SHORTRIDGE. That is very interesting. This is an immigration bill, I understand.

Mr. TURNER. Mr. Chairman, I am addressing myself to the immigration bill. On this point I want to say that this Foreign Missions Conference, of which I am the secretary, has within its membership some 75 different foreign mission boards and agencies that work in all parts of the world. They are therefore interested in all questions which relate to the relation of these different nations to our own, and problems of this kind which come before them are thought about in relation to our international contacts.

When this bill was brought before a subcommittee of our conference, after consideration and study of the problem, and also a careful reading of Mr. Hughes's letter to Mr. Johnson, it was decided that we would not attempt to draw up any statement with regard to this matter, but pass a resolution indorsing certain sections of Mr. Hughes's letter, and I now wish to read what was the action of the committee on that occasion:

With regard to the proposed legislation affecting the immigration of aliens into the United States, H. R. 6540, introduced by Hon. Albert Johnson on February 1, 1924, our committee indorses the views of Secretary Hughes in regard to—

- (1) The question of treaty obligations, and
- (2) The provisions excluding the Japanese, as set forth in his letter addressed to Mr. Johnson under date of February 8, 1924.

The paragraphs referred to are the paragraphs beginning in line 1, "First. Treaties." That covers the first section of it. The second paragraph referred to is the one which begins "Second. Section 12 (b) provides as follows." Those two sections of Mr. Hughes's letter were indorsed and made a part of our records on the subject, and are submitted here as representing the views of our committee on this subject.

With regard to the question of quota, Mr. Chairman, our committee did not feel competent to go into that question, and there again in the letter which Mr. Hughes addressed to you, I believe, Mr. Chairman, he expresses the hope that through the process of the work of our committee and the House committee and the work done after these bills have come before the House, some satisfactory arrangement in the matter of quota would be adopted of which no reasonable complaint could be made by the different nations concerned.

Our desire, Mr. Chairman, is to see such relations established between our own Government and these other nations, especially these nations from which these immigrants may come and these nations in which our various churches are carrying on their eleemosynary educational work, that that relation may be such that international justice and good will may prevail, so that instead of having the world an armed camp we can have a world made up of independent nations cooperating together for the good of all. I thank you.

The CHAIRMAN. Mr. McDonald?

STATEMENT OF MR. JAMES G. McDONALD, REPRESENTING THE FOREIGN POLICY ASSOCIATION.

Mr. McDONALD. Mr. Chairman, I have one word of good news, which is that I shall be as brief as the preceding speaker, if I am successful, and if I am unsuccessful I shall not take more than 10 minutes at the outside and I hope only five. May I say that the

reason I need speak only a few minutes is because the case has been presented so exhaustively and so brilliantly from both sides, and because the committee has shown by its questions and the chairman his penetrating and always illuminating comments that the case is thoroughly understood and it needs no further illustration.

I merely want to say that the Foreign Policy Association is a group of 3,000 or 4,000 people throughout the United States especially interested in the question of American foreign policy and in the study of specific phases of that foreign policy. They have no interest in Japanese relations any more than they have with our relations with Germany, France, or Russia, and therefore the Foreign Policy Association at least is not one of those groups which was suggested yesterday as somehow motivated either in a sinister or benevolent way by the almighty power of Japan.

We feel that we have an adequate appreciation of California's point of view, and with the basic California contention and the western contention that Japanese immigration in any considerable degree, or perhaps at all, should be ended. It is merely a question of how to achieve that desirable end. In that respect our groups feel that Mr. Hughes has taken a decisive step and it is up to the contentions of this particular bill—that is, this subparagraph (b) or article 12—and for these reasons, first, for the simple reason that our relations with Japan on this question, as I understand it, have been so clearly illustrated here, depend on two international agreements, one of them a formal treaty and the other an informal understanding, and that this supposed action would be the ending of the treaty and would be the ending of the informal understanding by action of one party.

Now, we grant that the Congress of the United States has a perfect right to end treaties, a perfect legal right to end treaties by legislative action, and I personally should not go so far as Doctor Gulick did this morning when he said that if this treaty were ended by this proposed legislation it would be making a scrap of paper of the treaty; at least, not in the sense that the Kaiser made a scrap of paper of the Belgian treaty. It would be ending a treaty in what I consider an unwise and ungentlemanly policy and would be a sort of policy which would create misunderstanding.

I think it a bad policy for any nation by legislative action to end treaties if there is any other way of arriving at a conclusion. As I understand it, there is another way in this case. Therefore it seems to us it would be an ungentlemanly and an unwise and an imprudent method of procedure.

In the second place, it seems to us that the evidence, if not conclusive, at any rate is very weighty to the point that the Japanese have kept in good faith the gentleman's agreement.

In the third place, it seems to us you have alternative methods of meeting this issue, either by means of a new treaty or through the quota provision suggested in some of the bills now pending.

The last point I wish to make, Mr. Chairman, is simply this: This action proposed in the Johnson bill would be, in our judgment, putting the hands of the clock back; it would be doing exactly the thing Senator Reed suggested yesterday; it would be endangering the good relations that have been so largely created by the Washington

conference and our action toward Japan since the earthquake. Our point of view is merely this, that while the interests of California and other western sections should be conserved, those interests can be conserved in ways much more adjusted to ordinary international procedure than those proposed in the bill, and I feel confident that the action of the committee, whatever they decide to do, will be such that will in the farthest possible degree satisfy all interests.

The CHAIRMAN. We are all desirous of hearing Senator Phelan, and I think we will make more progress if we will suspend any further hearings to-day and meet again to-morrow at 10.30.

(Thereupon, at 3.30 o'clock p. m., the committee adjourned to 10.30 o'clock a. m., Thursday, March 13, 1924.)

JAPANESE IMMIGRATION LEGISLATION.

THURSDAY, MARCH 13, 1924.

UNITED STATES SENATE,
COMMITTEE ON IMMIGRATION,
Washington, D. C.

The committee met, pursuant to adjournment on yesterday, at 10.30 o'clock a. m., in the Immigration Committee room, the Capitol, Senator LeBaron B. Colt presiding.

Present: Senators Colt (chairman), Keyes, Willis, Reed of Pennsylvania, King, Harris, and Copeland.

The CHAIRMAN. The committee will come to order. Senator Phelan, we will hear you.

STATEMENT OF HON. JAMES D. PHELAN, FORMER UNITED STATES SENATOR FROM CALIFORNIA.

Mr. PHELAN. Mr. Chairman and gentlemen, needless to say, I am deeply grateful to the committee for having given the California delegation an opportunity to address them on the subject which is uppermost in the minds of the people of the Pacific coast.

The CHAIRMAN. Senator Phelan, may I say that you may make your statement in your own way and in the order in which you wish without interruption from members of the committee.

Mr. PHELAN. At yesterday's meeting there was read a telegram from the Chamber of Commerce of San Francisco which may possibly tend to mislead the committee with respect to the real sentiment of San Francisco, and, indeed, of California. The chamber of commerce stated, as I recollect, that while it was in favor of the exclusion of Japanese laborers, it ventured the opinion that it would be best to regulate the incoming of the Japanese, in itself an inconsistency, by treaty—a half measure—rather than by an exclusion law.

I am a member of the chamber of commerce, but I will not resign on that account. It is a very large and representative body of business men in San Francisco, and I emphasize the word "business." Their board of directors presumes to reflect the opinion of a great body of the people, and I think it is needless to recall to you that in the election of three years ago when the people voted upon a referendum providing for the denial of the privilege of owning land to ineligible, the Chamber of Commerce of San Francisco "gave comfort to the enemy" by passing just such a resolution opposed to the measure.

Senator COPELAND. Was that the only commercial body, Senator, that took that stand?

Mr. PHELAN. It was the only commercial body that took that stand as I recollect; and I question the right of a board of directors elected to provide reports upon shipping and upon trade and related matters to express for the membership, which is probably 4,000, of whom I am one, an opinion upon a question of that kind. The result, of course, as you are well aware, was that the measure carried before the people by a vote of probably 4 to 1, which I think should somewhat have submerged the chamber of commerce as an organ of public opinion.

Senator HARRIS. What was the vote in San Francisco on that question?

Mr. PHELAN. In San Francisco itself?

Senator HARRIS. Yes.

Mr. PHELAN. I would hazard the guess that it was three to one. They were emphatically against it. And that is a great commercial emporium.

There are only two contentions here, one made by the Japanese through their agents—and I say “agents” advisedly—and the other by the people of California by their representatives in Congress and by this special delegation which has come 3,000 miles to present to you this matter which they consider one of great importance.

Mr. Webb, the attorney general of the State, who successfully handled the land and naturalization cases before the Supreme Court of the United States, held that aliens intelligible to citizenship could not hold land and could not enjoy the elective franchise. A serious contention was made by them that they were under the statute limiting the franchise to free white persons entitled to that privilege.

Mr. McClatchy has long been the manager and owner, with his brother, of the Sacramento Bee, a paper of the largest circulation of all other in central California, and has since retired from the business of journalism and is devoting his whole time as a labor of love to this matter.

We have met every week for many months now, a committee consisting of Mr. McClatchy and General Webb and representatives of the American Federation of Labor, the American Legion, National Grange, and of the Native Sons of the Golden West. Forty thousand members of this organization, the men born on the soil, meet in their lodges all over the State weekly, and the sentiment of these great societies is unanimous, and it is under the suggestion of these bodies that we have come here with credentials, which have been formally issued to us.

So that I do not feel in speaking that I am acting in any other capacity than in a representative capacity. But I must say that I have opinions of my own which I have previously expressed and which have been reinforced by my visit to Japan a year and a half ago.

When I discussed this question with you gentlemen on other occasions I had no personal knowledge of Japan, and, eager to see the people in their home land and study the problem at close range, I went to Japan, and there I saw the representatives of that country who are famed, and justly famed, for their courtesy.

Before I advert to that I desire to say that Doctor Gulick is the principal spokesman in this country for the Japanese propaganda,

which is an elaborate institution, not unlike the German propaganda before the war; and their business, possibly legitimate if they confine themselves to the facts, is to inform the American Republic as to the aspirations of Japan and as to the need of such legislation or treaty that will give them a better status in this country. Doctor Gulick has lived all his life in Japan. I think he is now on furlough from the University of Japan. He is thoroughly identified with that people, and his only purpose, as well as that of the other associations that have been here within the last two days, is to bring about a more intimate relationship between the United States and Japan.

I may say for the other organizations that he was the actual inspirer, if not the organizer, of most of them. They meet in different parts of the country. They have their banquets; they invite gentlemen of distinction to address them; and they have come here very naturally before you.

SENATOR COPELAND. Senator, pardon me, I would really for myself like to know the honest to goodness, low-down facts as to why the people on the coast do not want the Japanese. I am so eager to have those facts that I am inclined to ask the chairman, if it is embarrassing to you to give them in the presence of the public, to permit you to present them to the committee alone if that would be easier for you. The committee is entitled to know what we call in the language of the street the "low down" on why you do not want them.

MR. PHELAN. I am very glad, Senator Copeland, to speak of that now, and, as a matter of fact, it involves the whole question, because the people of the Pacific coast do not want the Japanese for the same reasons that should actuate the Representatives of the Nation in the Congress of the United States.

The only difference between your State and mine in that respect is that ours is the State in contact with the Orient, being closer to it, and, furthermore, we enjoy a more equable climate which naturally attracts people who have lived under the warm oriental skies of Nippon, India, Burma, Java, and Siam. They naturally come to the nearest coast, and they come more particularly because they find the climate suitable to their temperament and to their customary life.

You might say that the people engaged in hard work of the world, the laborers, would not be influenced, but as a matter of fact the Japanese have refused, I am told, to colonize the island of Hokkaido, which is a part of the Japanese Archipelago, comparatively without population, on account of the inclemency of the weather.

The people of California object to the Japanese—and I say it involves the whole question—because of racial and economic reasons.

Many years ago, about the time of the construction of the Central Pacific Railroad, a large number of Chinese were imported to California. They were excellent workers, and after helping to build the railroad they took up their accustomed avocation of agriculture. Many came into the cities and became small traders, laundrymen, and vegetable vendors; and, in fact, they would lend their hand to any class of work.

During the hard times in 1878 and 1879 a workman movement was inaugurated called "Kearneyism." Kearney was a man of considerable natural ability and all the workers rallied to him, demanding the Chinese should go, and the chambers of commerce fled from him. What was the result? You will find two chapters in James Bryce's work "The American Commonwealth," in which he states that so universal was the unrest and so aggressive had become those who believed that the presence of Chinese was depriving them of work—because men, women, and children were crowding the streets crying for bread and for an opportunity to earn bread—that the State of California was revolutionized; and what was regarded as a radical constitution, the constitution of 1879, was passed, which frightened capital and which demoralized that conservative sentiment which, when alarmed, condemns the country, always in every land, to perdition. As a matter of fact, the constitution had worked out admirably. There was nothing in it that was not for the common weal. That was the Chinese movement. Congress responded at that time and cooperated with the exclusion law.

Gladstone once said, "The Irish question had never come within the range of practical politics until the explosion of Birkenwell Prison," an explosion caused by Irish patriots. It was a generalization which was dangerous, perhaps, to utter, but which has been employed since Gladstone's time. Ireland could get nothing without fighting for it, and these workmen under Kearney did commit some outrages; they resorted to acts of violence, and it is claimed, unfortunately, that that was the only thing that moved Congress, and Congress passed an exclusion bill and afterwards there was negotiated a treaty with China, in the preamble of which you will read substantially "Owing to the fact that the presence of Chinese on the Pacific coast has caused serious disturbances and economic distress, the high contracting parties agree to the following treaty." The Chinese, seeing very plainly the trend of events, acquiesced, and we have lived at peace with the Chinese ever since. I do not know that a hand has been raised against the Chinese in all these years. I am adverting to this having in mind another reason than historical, because it has been stated here that unless we do these things demanded to oblige Japan there will be irritation that will ultimately result in the menace of war. The menace of war is in the fact that if these domestic conditions prevail in California, which I will describe to you now, it will be far more serious and provocative of more friction than Japanese displeasure. We must first take care of our own domestic peace and order and do justice to our own people, to avert a conflict with Japan. We can not allow our people to take the law into their own hands, because you may then look for trouble with Japan—a fighting nation, remember. It would be a good thing before that day to have granted, within our undisputed jurisdiction, relief legislation to the West; in other words, to have removed the cause of domestic irritation so far as possible.

In Humboldt County, which is made up of lumbermen, sturdy foresters in their day, outraged, resorted to no violence; they took the Chinese bodily, several hundred of them that came there one night, and put them on the train in a perfectly gentlemanly way,

almost as gentlemanly as the manners of an oriental potentate, and told them never to come back, and they never came back.

Senator KING. You refer now to the Chinese situation?

Mr. PHELAN. Yes. But not so long ago, quite recently, in the city of Turlock an attempt was made to do the same thing with the Japanese. The Japanese came in there like a flock of ravens, under a contractor, and took by a lower bid a contract away from the white men who were accustomed to doing the work for the picking and boxing of the fruit. These white settlers, who had done that work for time immemorial, did not know what to do. They had lost their customary employment. Disaster faced them. They also were exceedingly gentlemanly; they assembled a lot of automobiles, and they put the Japanese in the automobiles, took them to remote parts, and warned them not to return.

Senator KING. Were some of those Japanese American citizens?

Mr. PHELAN. I doubt it very much, because but few of American citizens, that is to say, the native-born California Japanese, have yet qualified as laborers. They are coming on.

The State government was, of course, appealed to by the Japanese consul and it immediately intervened, as it always does, and put an end to that sort of thing and restored the Japanese to their positions from which they had displaced the whites, and the incident died. The power of the State was asserted. How often can that be repeated without conflict? That was a mere local uprising; it was not general; but I am merely intimating to you that there is that constant danger, that is, the danger of friction with Japan in the future unless we get remedial legislation. You can avert war only by insuring peace.

The Japanese began to come as soon as the Chinese exclusion act went into effect, and they came in very large numbers, mostly from Hawaii, and they soon grew to be formidable. They are natural agriculturists, and they take to the soil with so much success that in a very few years they have controlled, either by ownership or by lease, out of a possible three and a half million acres of irrigable lands about 460,000 acres, or about one-eighth.

When that is mentioned it is answered by giving the total area of the State of California, but the State of California has vast waste and sterile spaces in the Sierras and deserts. So it is utterly misleading to give the total area of California and say the acreage controlled by the Japanese is not comparatively material.

We take lands that are susceptible of cultivation and we tell you that the Japanese, by ownership or by lease, have control of about one-eighth of the entire State. That struck the people as a very extraordinary thing. And when they found that the Japanese had actually controlled the small crops, fixing the prices after the approved methods of chambers of commerce, if you please, they became alarmed; they woke up one morning and found that the Japanese produced 91 per cent of all the berries raised in California; of all the celery raised in California, 89 per cent; of the asparagus, 82 per cent; of the seeds, which is a great industry, or had been, in California, providing seeds for the entire country, 79 per cent; of onions, the succulent onions, 76 per cent; of tomatoes, 66 per cent; of cantalopes, 63 per cent; of sugar beets, 50 per cent; and so on with potatoes, grapes, raisins, etc.

Senator KING. How many Japanese who were able to work and actually did work accomplished the herculean task as I would infer from your remarks that you say was performed? Were there more than 50,000 who actually were laborers who did all that work?

Mr. PHELAN. Apart from those who are engaged in the trades, the entire Japanese population are agriculturists. I need only then give you the population of the Japanese in California, which is estimated at about 110,000, and a census population of about 78,000. The Japanese themselves estimate it at 85,000. It was thoroughly discussed here by Mr. McClatchy. The same problems exist in your State. The low census enumeration is due to the fact that under our system 10 cents is allowed for each name counted, and the enumerators actually rebelled, struck, if you please, against the Census Bureau when they were asked to go into the interior of the State and find the Japanese on the farms and in the mountains. They said they could not undertake that work for 10 cents a name, so they enumerated only those who were close by in the cities. Therefore, the census is confessedly in error. The department itself admitted its inability to enumerate the Japanese.

Senator KING. Admitting that there are 110,000, what proportion of them were competent and did actually work on the farms? Would there be 50,000?

Mr. PHELAN. I would say 50,000 at least, because there are women—all are laborers—and children that may or may not be entitled to be included in that number. The children work in the field as soon as they are able. They do that in all poor countries, and Japan is a poor country, and they have been trained to that sort of work.

The CHAIRMAN. Senator King, the census gives the number of Japanese.

Senator KING. I am familiar with that, Mr. Chairman, and I am familiar with the numbers which are claimed, but the question I was asking was the number that actually worked on the farms. I marveled at the statement that forty or fifty thousand who worked on the farms could accomplish such prodigious results as those indicated by the Senator.

Mr. PHELAN. Well, it is intensive farming; it is day and night farming; it is farming on Washington's Birthday, the Fourth of July, New Years, and Valentines Day. They have no respect for our anniversaries. I do not blame them. They are there to make all they can out of the soil and they are inured to labor and nothing else. They do not meet with our native sons in lodges; they do not attend conventions. I doubt if they ever go to the grand opera or to church or theater. I doubt if they have any social interest in anything outside of the business of making money.

Senator WILLIS. Senator, I was very much interested in those figures you quoted showing the very large percentage of what we would call the garden truck industry that these people control. What, in your judgment, would be the effect upon that industry if the Japanese were excluded, the effect upon prices, etc.? Have you canvassed that question?

Mr. PHELAN. Yes. White men, of course, as before would come in. I was in Los Angeles a few years ago and learned at first hand

that the Japanese had adopted American methods so completely that the great boss who controlled the garden truck industry and small fruit industry around Los Angeles sat in a room with a telephone and telephoned to Pasadena and to Riverside and to various other small cities around about in his area, fixing the price of vegetables that morning, he having, of course, been informed as to the demand in these several localities. So the price has gone up. The cost of living in Los Angeles is very high on that account. In those parts of the State where the Japanese do not control vegetables are at the price customarily paid by people under normal conditions. Here they have a price and they actually destroy their excess production in order to maintain the price.

Two men who had been driven off their vegetable gardens, both Italians, by the incoming of the Japanese and their control, went back and leased their old land and prospered because they were able to sell their produce at the Japanese prices. Otherwise, they said they could not possibly do it.

First the Japanese come in and force prices down. They crowd the tiller off the soil and then raise prices. According to American standards that is very clever.

Senator HARRIS. That is what your fruit growers do with the California fruit growers?

Senator PHELAN. Absolutely. I raise fruit and I belong to the Fruit Growers' Association. I deliver all my produce and they send me a check and they make Chicago and New York pay for it.

Senator COPELAND. We pay for it all right, Senator.

Senator HARRIS. But it was necessary to protect your fruit growers?

Mr. PHELAN. But what I want to show is that the incoming of Japanese does not mean that the people of California may benefit by even low prices. They have all of the disadvantages and none of the advantages that you might believe would possibly result.

Senator KING. Have the whites attempted to cut prices established by them, or do they maintain the prices?

Mr. PHELAN. The Japanese are in possession of the soil. They control the markets and they control up to this time the land. That is the situation.

Senator KING. Is it a fact that they have taken land which was abandoned and swampy and land which contained saline deposits and transformed it into productive land? That has been suggested, and my interrogation implies no expression of opinion.

Mr. PHELAN. That has been frequently stated, and there is not a word of truth in it. The Japanese take only the best lands, having ousted the farmer who had as the pioneer brought it up to a state of cultivation. It may be in the delta lands, where they have gone in and built levees and by keeping the water out thus reclaimed the land in some instances, but most of that delta land had been reclaimed and cultivated for 50 years by men of our own race.

I visited that district personally, the region between the Bay of San Francisco and Sacramento, and there was a great celebration the day I arrived and I participated in it, at Walnut Grove. It was in connection with the return home of a young soldier from the war. It interested me very much, and I asked the history of the boy. His

father had come there 25 years before with a blanket on his back and had acquired by reclamation a great deal of productive land, and lived there with his wife and raised a family, and this boy had gone to the war and come back a hero. I thought then, in the awful condition of California, with one-eighth of her available arable lands held by Japanese, if a pioneer from New York or from Ohio, out to make his fortune and name in the world, had marched down the valley of California with a blanket on his back, willing to spend his labor in the development of the soil and rear a family, what chance in the world would he have? None at all. He would find it occupied by the Japanese and he would go on and the Nation would be the loser. That unit of the family would never exist which my friend had established and out of which came the soldiers that won the war.

You ask me why the Californians object to the Japanese. No matter how we admire their indefatigable industry, every day and Sunday too, we can not blind our eyes to the fact that their very presence for social and patriotic reasons is a blight and a menace.

"The fell disease, which must destroy at length,
Grows with their growth and strengthens with their strength."

The CHAIRMAN. May I ask you a question that troubles me? We have now, under a present law, a gentlemen's agreement with Japan. We have the treaty of 1911. Those are the existing relations. The Johnson bill virtually denounces the treaty and the gentlemen's agreement. Now, it becomes a practical question as to how Japanese exclusion may be best be secured. Would you reach that end by adopting this exclusion provision of the Johnson bill without consulting Japan at all? Or would you allow the present relations to stand and permit the State Department to open negotiations with Japan for the further limitation or regulation of the gentlemen's agreement? It is a question of method, it seems to me, that this committee is confronted with, practically. Should we adopt the drastic step of repealing a treaty and an agreement without consulting the other party?

MR. PHELAN. Mr. Chairman, I will turn to that. The present situation, as you stated, is this: With respect to Asiatics, we have a zone immigration law which was passed three years or more ago, and it barred all Asiatics embraced within an arbitrary zone which included India, Siam, Java, the Straits Settlements and islands close to the Asiatic shore, and it left out China. Why? Because we had an exclusion law against the Chinese. But it left out Japan. Why? Because we had the treaty of 1911, and the gentlemen's agreement of 1908. I think we must read the treaty of 1911, and the gentlemen's agreement together.

The treaty of 1911 provides, in words, to this effect: That subjects of the Mikado have the privilege to freely enter the United States for purposes of trade. There is no limitation. And when that treaty was taken up in the Senate serious objection was made by the Senate, and you will find appended to the treaty, due to the protests of the Senate when the matter was up for ratification, a memorandum by Ambassador Shidahara, and that memorandum simply obligated Japan—it had not the solemnity even of an agreement; it was a memorandum added by the ambassador, one of the

parties—it obligated Japan to continue its policy of excluding laborers under the gentlemen's agreement.

Now, what is this gentlemen's agreement? As was explained to you very fully the other day by the Attorney General, California undertook, very innocently, to segregate the Japanese and the white children in the public schools, to have separate school buildings for them under the public-school system, where in our State school attendance is compulsory. The farmers and the other people of the country did not like their little girls sitting side by side with these Japs. Bear in mind that the Japanese "school boy" was often one of the big fellows who came over densely ignorant, but of matured age. They would be in these school rooms with the little girls, and the Japanese, notoriously, are unmoral people. In matters of that kind they are an extreme danger, and I have very good authority for what I say. Doctor Gulick, of the Imperial University of Japan, has frankly written to the same effect in this volume; that is to say, the unfitness of the Japanese to intermarry, and to participate in American life. In the American-Japanese Problems, one of his books, he says:

The mere fact of American birth, public-school education, and the reckless age should not be regarded as adequate qualification for suffrage, for it is to be remembered that during the entire period of schooling not only have they been in oriental homes, but the Japanese at heart have been diligently drilled in Japanese methods by Japanese teachers, many of whom have little acquaintance and no sympathy with American institutions or the Christian civilization. If, as Asiatics, they maintain their traditional conception of God, nature, and man, of male and female, of husband and wife, of parent and child, of ruler and ruled, of the State and the individual, the permanent maintenance in Hawaii of American democracy, American homes, and American liberty is impossible.

And I believe the Christian churches were represented here yesterday, and I believe the Christian missionaries when I was in Korea protested bitterly against the brutal methods of the Japanese Government in that stricken and subject country of Korea. During the reign of the late Emperor of Korea they were assured protection by the missionaries, to whom they would come and appeal against outrages committed against them by the police and by the taxgatherers, and always the voice of the missionary was heard, and there is where the missionary has served a most excellent purpose, in standing against injustice and wrong, having the ear of the Government through the ear of the American ambassadors.

The Japanese took possession of Korea in violation of all their promises, and the missionaries are put in the discard; they have no voice; but you have to present the other cheek after you are smitten in order to give yourselves titles to Christianity, and the missionaries are here pleading for the Japanese!

I was giving the history of the gentlemen's agreement, and it was this attempt on the part of Californians to segregate this class of people from the little children that led President Roosevelt to declare that unless California behaved he would send the Army and Navy there to discipline it.

We are very fond of Theodore Roosevelt in the West, and more particularly because when he saw that he was wrong he immediately rectified the error. He had not the obstinacy of an ass; he had the

intelligence of a great man, and he changed all his views in respect to the Japanese question as soon as he was informed.

The Californians needed no threat of that kind. He invited them to Washington. They agreed that as long as they were protected by an exclusion law, which Congress could grant—provided the gentlemen's agreement, which he said he was about to negotiate, would fail—that was all they asked. He said, substantially: "I have negotiated now an agreement with Japan. We realize that this constant friction out there is going to lead to trouble. They have agreed to a gentlemen's agreement by which they will regulate the incoming of Japanese, and I yield that because they are a proud and a sensitive people and the idea of exclusion is offensive to them." And so the gentlemen's agreement was born.

Now, that is the only barrier between the United States and Japan, because the treaty gives no protection and the addendum to the treaty seeks to incorporate the gentlemen's agreement, and the gentlemen's agreement gives to Japan the right to determine who shall come, the understanding being that laborers shall not come. But it is so loose, so vague, so evanescent, that you can not put your hands on it. Nobody knows exactly what it is.

California is going to ask the State Department to graciously inform the Senate of the United States what this agreement is. In "platforms" the parties denounce secret treaties. Nothing could be more secret than this. As the Frenchman said, "What you can not put your hands on it is a dream." This is a dream. You can not find it.

Oh, here is a book, *The Real Japanese Question*, by K. K. Kawakami, the author of *Japan in World Politics*, *Japan and World Peace*, etc., published by the Macmillan Co. I came across Kawakami many times. He is the busiest propagandist that Japan employs in the United States, and he even accused me of having stolen his secret correspondence out of his waste basket. When I was in the Senate I had access to a great deal of information, and a secret service agent sent me some very damaging information concerning Kawakami and his activities as an agent of Japan, and when I get secrets I like to give them out for the information of Congress. He now gives here what I think is a pretty fair statement of what must be the gentlemen's agreement.

The chairman yesterday sought information in the Commissioner General of Immigration's report of 1908. It is only a written expression or interpretation of what the commissioner thought to be the gentlemen's agreement. This is the first time that I have actually seen it in print, in Mr. Kawakami's book. He says:

The "gentlemen's agreement" of 1907—

I do not think it went into effect until July 3, 1908—

excluding Japanese laborers from America, is not in the shape of a formal treaty or agreement. The term applies simply to the substance of a number of informal notes exchanged between the State Department and the Japanese Ambassador at that time. Briefly stated, the agreement is this:

First. Japan of her own accord will refrain from issuing passports to Japanese laborers desiring to enter territories contiguous to continental United States, such as Mexico or Canada.

Senator KING. Senator, do you not think that is rather a great concession, speaking as to the dignity of a nation, to make by Japan,

if she had laborers who desired to go to those other countries and those countries did not prohibit them? I am merely getting your reaction from that.

Mr. PHELAN (reading):

Japan, of her own accord, will refrain from issuing passports to Japanese laborers desiring to enter territories contiguous to continental United States, such as Mexico or Canada.

Of course, the object of Roosevelt was to prevent them from coming over the borders. Mexico has about 4,000 Japanese there and does not want them. Mexico within the last three months has made a decree against the Japanese. Just think of it. They do not want the Japanese even in Mexico. They want to protect their own people. Oregon is trying to give his own people a chance in life. They would be devoured as by a plague of locusts if the Japanese came in. Canada has barred Japanese. So I do not know how they could get them into Mexico or Canada even with a passport.

Second. Japan will recognize the right of the United States to refuse the admission to continental United States of Japanese of the laboring class whose passports do not include continental United States.

That is, Japan concedes to us the right to refuse admission. He says passports do not include continental United States. They can include continental United States if they want to. Here it is:

Third. Japan will issue passports to continental United States only for Japanese of the following four classes: (1) Nonlaborers, such as travelers, business men, financiers, etc.

We all concede that. It is in the Johnson bill.

(2) Japanese, whether laborer or nonlaborer, who have already become domiciled in continental United States.

That is to say, if they once got in here they can get a passport to come back should they leave.

(3) Parents, wives, or children of Japanese who have become domiciled in continental United States.

(4) Japanese who have acquired farming interests in continental United States and who wish to return there to take active control of those interests.

Well, there is a large question. "Parents, wives, or children of Japanese." You have heard the discussion with respect to wives. They have sent their photographs over there and they have gotten a wife. It was referred to here the other day as "mail-order wives," and then as there was great revulsion of sentiment, especially in the churches, about the acknowledgment of such wives as regularly married women, they said they would surrender that; and then they substituted the "Kankonan" bride, which simply means that the Japanese who wants a bride has to actually see the woman. He has to go back to Japan, and the steamship companies of the Japanese—they control most of the ocean traffic on the Pacific—have made such terms for the Japanese that it does not cost them very much more to go over there and get a bride and come back, except possibly the loss of their time. Then the Japanese Government, to facilitate this bride-getting, has extended the time from 1 month to 90 days within which time the Japanese has to respond to the conscript law in case he goes back to Japan. Ordinarily he has only a month there, but the time was extended to 90 days to seek out a bride.

So this simply shows the directing mind of Japan following her nationals wherever they go and having a fixed and set purpose of colonization. Of course, the wives are exceedingly prolific. The fecundity of the Japanese is extraordinary. They have at home an excess population of 700,000 every year, and, as I shall show you from statistics, the birth rate in California is enough to alarm one.

If you pass this law excluding Japanese, which is only one step, we still have the Japanese problem in California, which will require our best statesmanship to cure in order to redeem an American State, or a dozen States, which they infest. The Japanese problem will still be with us acutely even if you pass this legislation, which is but a preliminary yet a necessary step.

The wives have given birth to children in the neighborhood of Sacramento and Los Angeles at the rate of 33 per cent of all the births, and for every 11 births in all California to-day 1 is a Japanese. That is a problem in itself. And we have got nothing to do with it here except it should be our policy to keep out the wives as seed of future problems.

These wives are permitted to come in freely, and since the gentlemen's agreement 38,000 women have been imported into California for the uses of propagation in order to establish the Japanese colonies.

Every child born is an American citizen under our very generous Constitution, intended to encourage population by European immigration of an earlier date when Asia was a closed book. What a Pandora's box we opened when Admiral Perry went there and opened the gates of Japan!

The CHAIRMAN. Senator, can you conceive of a gentlemen's agreement that would keep out the women and the wives? [Laughter.]

Mr. PHELAN. Well, I am told that in Monkish institutions celibacy is required in order that a man may give his whole time to his work. Otherwise he has distractions. Richelieu said, "The State is my bride."

We want to encourage the assimilable to increase and multiply. I am making comments, as I read these provisions of the gentlemen's agreement, in order that you may understand their significance.

When the Mormons went into Utah, the State of Senator King, they preached plurality of wives, just as under the old law of Moses, and it certainly is the best way to establish a Commonwealth. It is a quick way of establishing a Commonwealth, and I suppose under the regulations of such a community only those who could afford to have plural wives would enjoy them. But the object was to establish a Mormon settlement, and they succeeded. A more admirable body does not exist. All the men and children of men are husbandmen and they are bound together in a common cause, making of the sterile State of Utah, which only owns, I think, 16 per cent of its entire land, the balance being public land, a garden spot. And the Japanese are also as wise as serpents and as gentle as doves.

I may say, of course, that the object of the gentlemen's agreement was to exclude laborers, and I claim that the spirit of the gentlemen's agreement has been violated as well as the letter, because these women who have come in, 38,000 since the agreement, are actually not only wives but they are laborers. They all work in

the fields as they do in Japan, side by side with the men, and most excellent workers they are. So 38,000 in that one lot have been admitted as laborers and are so manifested, because while we stood by the gentlemen's agreement to exclude laborers, we consented at the same time that they might issue passports to "wives." It is a rather ridiculous situation to presume that woman is not capable of doing work side by side with man. But again this great birth rate will be the foundation for their permanent colonies in California. It is so apparent that he who runs may read. Japan had an important purpose in colonizing the Pacific coast—need I amplify?

(4) That Japanese who have acquired farming interests in continental United States and who wish to return there to take active control of those interests.

I have known Japanese of the laboring class without interests at all go back to Japan and return, but they had, by the aid of good American lawyers, become parties to alleged leases, signing the leases, and that gave them within the law that technical interest which entitles them to return. This whole law of agreement is honeycombed with evasions and subterfuges which have been a source of much prosperity—to our lawyers.

On the basis of this understanding President Roosevelt issued on March 14, 1907, an order excluding from continental United States Japanese or Korean laborers, skilled or unskilled, who have received passports to go to Mexico, Canada, or Hawaii, and come therefrom.

To put this Executive order into operation the Department of Commerce and Labor on March 26, 1907, issued a circular which reads as follows. This is such an obscure thing that I think I need not read it. But here it is:

Aliens from Japan or Korea are subject to the general immigration laws.

Every Japanese or Korean laborer, skilled or unskilled, applying for admission at a seaport or at a land border port of the United States, and having in his possession a passport issued by the Government of Japan, entitling him to proceed only to Mexico, Canada, or Hawaii shall be refused admission.

If a Japanese or Korean alien applies for admission and presents a passport entitling him to enter the United States, or one which is limited to Mexico, Canada, or Hawaii, he shall be admitted if it appears that he does not belong to any of the classes of aliens excluded by the general immigration laws.

If a Japanese or Korean alien applies for admission and present a passport limited to Mexico, Canada, or Hawaii, and claims that he is not a laborer, either skilled or unskilled, reasonable proof of this claim shall be required in order to permit him to enter the United States.

If a Japanese or Korean, skilled or unskilled laborer, is found in the Territory of the United States without having been duly admitted upon inspection the procedure employed under the general immigration laws for the arrest and hearing of aliens who have entered the United States surreptitiously shall be observed.

That is a great deal of verbiage and very little actual restriction.

The Japanese having passports—and they seem very easy to get—come to the United States, and they are only detained in practice at the immigration station in case they have contagious diseases. They are not subjected to the illiteracy test or any other test to which Europeans are subjected. Hence they have been treated with great consideration. If they have a passport issued by the Japanese Government without any right on the part of the United States to interpose an objection they enter the United States.

The CHAIRMAN. Senator Phelan, has not Canada a gentlemen's agreement with Japan?

Mr. PHELAN. I am not perfectly familiar with it.

The CHAIRMAN. I do not know except by report. You need not go into that.

Mr. PHELAN. I understand they have a head tax of \$1,000.

Mr. BOWLES. They have a gentlemen's agreement.

Mr. PHELAN. Now, this gentlemen's agreement is the only protection. Theodore Roosevelt objected strenuously—it was one of the causes of his break with President Taft—against the treaty of 1911, and because he said it destroyed the gentlemen's agreement, and practically opened wide the doors. Now, that is your protection to-day; the gentlemen's agreement and the treaty of 1911, when this bill is proposed by the House committee and approved by the House committee, and in order to refresh your memory let me read from Union Calendar No. 61, H. R. 6540, section 12, paragraph (b). I think I can show you that there is no substantial difference between this and the gentlemen's agreement, except transferring the jurisdiction where it properly belongs to the United States for the regulation of the incoming hordes of Asiatics. There is no interference with commerce or trade. That was the pretended object of the treaty of commerce and navigation of 1911, to promote trade, not to promote immigration or protect the evil which everybody had seen apparently, except Mr. Taft. He made a proposition before the Japanese societies night before last for another conference. It is said, "The United States never lost a war and never won a conference."

The CHAIRMAN. As a legal proposition, as an international proposition, the term "immigrant" does not extend to those who are admitted for the purpose of trade under commercial treaties.

Mr. PHELAN. That would be a fair interpretation.

The CHAIRMAN. In the ordinary acceptance of the term an immigrant would not come within that classification.

Mr. PHELAN. Not at all, but the facts stare us in the face.

The CHAIRMAN. That is the view of the Secretary of State.

Mr. PHELAN (reading from the bill, section 12):

(b) No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a nonquota immigrant under the provisions of subdivisions (b), (d), or (g) of section 4, or (2) is the wife or the unmarried child under 18 years of age of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3.

The exceptions are to be found in section 3, where, under the caption, "Definition of 'immigrant,'" the bill says:

When used in this act the term "immigrant" means any alien departing from any place outside the United States destined for the United States, except (1) a government official, his family, attendants, servants, and employees.

They have admission under the Johnson bill just as they have under the gentlemen's agreement and the treaty of 1911:

(2) An alien visiting the United States as a tourist or temporarily for business or pleasure.

The same is in the treaty or agreement:

(3) An alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, and (5)

a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman.

Seamen are constantly deserting the ships sailing into the ports and staying. I know it to be a fact with the Chinese and Japanese, and Capt. Ryland Drennan told me on the voyage which I took with him that he lost 14 of his crew in San Francisco on his previous voyage.

Now, here are some of the exceptions. While ineligible are excluded, yet all these may come in section 4:

(b) An immigrant previously lawfully admitted to the United States who is returning from a temporary visit abroad.

(d) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university.

That is perhaps unobjectionable. "Religious freedom" to teach Shintoism or Emperor worship!

(g) An immigrant who is a bona fide student over 18 years of age and who seeks to enter the United States solely for the purpose of study at an accredited college, academy, seminary, or university, particularly designated by him and approved by the Secretary.

All these are liberal provisions. Our only object is the object which we sought to obtain by the gentlemen's agreement, to keep out laborers. The only object of the Johnson bill is to reaffirm practically existing law giving us of the United States control, however, and doing everything for the accommodation of merchants and students and visitors for pleasure, to encourage and maintain our amicable relations and our trade connections. It might be called an act to promote trade just as much as the treaty of commerce and navigation.

So I do not see that any objection can be made except in the minds of those who think we were perfectly right in relegating to Japan the sovereignty of the United States in the matter of issuing passports to those who sought admission to our territory. We simply reverse conditions and reassert our sovereignty, and I challenge anybody to show that in the entire diplomatic history of the United States there was ever such an abortion as the gentlemen's agreement, which is neither treaty nor law. It is something we can not find except in the books written by the Japanese. We do not know exactly what it is, and yet we know enough to understand that it was a secret pact by which the United States surrendered its sovereignty to Japan in a matter of vital importance; and when they come in here since the gentlemen's agreement at the rate as evidenced by these figures, you can see that there is something wrong with the gentlemen's agreement of 1908.

In 1900 there were 24,000 Japanese; in 1910, 72,000 Japanese; in 1920, 110,000 Japanese in the United States.

Senator SHORTRIDGE. In California?

Mr. PHELAN. No; that is in the United States. In California there were 10,000 in 1900, there were 41,000 in 1910, and there were 79,000 in 1920—census population.

Now, we had the Chinese exclusion law, and the Chinese during those same periods in the United States diminished.

The Chinese problem is peacefully solving itself, and what threatened to be a serious condition in 1879 has been, by reason of the acts of the Congress of the United States, the Senate and House, and not the State Department, solved.

California has done everything that the Federal Government has asked. It has done something within its jurisdiction which it was entitled to do in denying them land, either by ownership in fee or by leasehold, and the Supreme Court has sustained California and Washington and Oregon and Montana and six other States in their attempt to protect themselves within their jurisdictions. It is all they can do, and having done all that it is possible for them to do within the law, they come to Congress asking that the Congress do its part, not the Secretary of State, not our diplomatic service, which abroad was described before the Foreign Relations Committee the other day by one of their number as an aggregation of "Cookie pushers," a lot of gentlemen learned in the foreign languages, who have no Americanism from the spats on their shoes to the curls on their caputs. And they in foreign ports represent the United States. Those gentlemen, who attain high position in the United States in the service of the Secretary of State, have got neither the training nor the understanding. They are a caste whose end is to please foreign plenipotentiaries. Congress represents the people.

Now, that is one thing to which I wish to advert. The Secretary of State the other day addressed to the House committee, and to this committee, communications in which he said that he favored a quota basis for the admission of Japanese rather than an exclusion law. We are all agreed, and he is agreed, that there ought to be exclusion. I am sure this committee and the Congress—Secretary Hughes himself has said it in his communications—are all in favor of exclusion, and then, as the chairman has said, the only thing for us to consider is the best method of effecting exclusion.

By the quota you will obviate giving offense to Japan. Granted. And here is the real problem. It appears upon the surface perfectly plain that this is apparently no unreasonable request of the Secretary of State to admit under the quota of 1890, Japanese, which would aggregate 246 annually.

I think in the same communications he advocated, however, the census enumeration of 1910 for the Italians. That is to say, he would like to give one basis for the Italians and another for the Japanese, but it can't be done. Whatever basis you give the Japanese, whether it is 1890 or 1910, he is in favor of giving them the benefit of the quota which we propose to give to the European nations. As a matter of fact you discussed, as I remember, the 1890 basis, which would admit only 246 Japanese, but he is applying another yardstick for the Italians in order to bring in a larger number.

The CHAIRMAN. I did not understand the Secretary of State's letter in that way. I understood that he did not intend to fix the quota as to whether it would be 1890 or 1910, but whatever quota we fixed for Europe we should apply the same quota to Japan.

Mr. PHELAN. The Johnson bill provided 1890.

The CHAIRMAN. It did.

Mr. PHELAN. And it was given out to the country that would only admit 246 Japanese.

The CHAIRMAN. This committee simply tentatively changed the basis of our quota law; it simply voted to change it to 1910. Now, under the 1910 census I think instead of being 300 and some odd it would be 1,100 and something.

Mr. PHELAN. Mr. Albert Johnson, of the House, told me yesterday that there was that inconsistency in some communication received by them from Secretary Hughes.

The CHAIRMAN. It may be, but I did not so understand it. I understood the general proposition to be that we should admit Japan to the quota law whatever the basis of the quota law might be. I would like to have your views upon that.

Mr. PHELAN. I am just going to give them to you. At the request of Japan the Secretary of State introduced this suggestion as an amendment to the Albert Johnson bill. He says he is not opposed to the exclusion of Japanese, but he thinks the best method would be to include Japan in the quota of 2 per cent or other basis, if you please, which is granted European nations. That is, he was adopting the plea of the Japanese for racial equality, which was denied at the two great conferences in Paris. That is the crux of the whole matter. Japan applied for racial equality to the conferences and it went to a vote and under their rules it required unanimity, and the vote of the British Empire, the commonwealths and possessions, represented by England and also by overseas representatives, voted no, but they were a small minority, and President Wilson, presiding, held that inasmuch as there was no unanimity the motion granting racial equality which the other nations of the world were willing to grant, was lost, and the Japanese representative arose in his place and said substantially, "It may be lost now, but I shall bring it up again. You did not deny the majority or rule the other day when you determined the seat of the League of Nations at Geneva, and why should you rule so against us?" All the President could say was that in matters of large importance it required unanimity, and the fixing of the seat of the League of Nations was a matter of small importance.

Now, the Japanese protest against so-called discrimination, against them, but there is no discrimination when the case is analyzed, because the Federal Government for 130 years has drawn a distinction between those that are eligible and those who are ineligible to citizenship by the naturalization law, and only deviated from it in 1870 to pass an amendment to the Constitution including persons of African descent.

To give Japanese the same benefit of the quota law with Europeans, would be to discriminate in favor of them as against the Chinese, the Hindus, the Japanese, the Siamese, and other cultured intelligent people.

So they, while complaining of discrimination, are really seeking at the hands of the United States discrimination in their favor as against their neighbors in Asia, and to be put upon a racial equality with the Europeans.

Now, you may say, why should not they be put upon a racial equality with the Europeans? And I consider this the essence of

the whole thing. It is the set purpose of Japan to demand racial equality, and that means, having been granted racial equality, they could enter the United States on the same terms as the Europeans; they could ultimately enjoy the elective franchise and the ownership of land just as the Europeans, and they would thus defeat all our protective legislation if we once conceded the principle of racial equality.

When this matter was up in Paris I took upon myself for the western Senators, with whom I conferred, to protest to Secretary Lansing that if racial equality were granted it involved all these things against which we had set our minds in the United States in connection with granting to Asiatics, unassimilable and undigestible, the right to vote and the right to own land and all those other rights of American citizenship which should be regarded as precious, and I am very glad to say that the conference adjourned without making any concession to the Japanese, although every European State, with the exception of Great Britain, was quite ready to concede the principle of racial equality.

We will give them equality as a nation among nations, in the family of nations, and the distinction is that while we are willing to concede that they deserve and should have a place of equality as a nation in the family of nations for all purposes of negotiations and conference on international matters, we can not take them into our own family, because it has been demonstrated that they are a discordant and a refractory element; they can not be blended; they can not by intermarriage become a homogeneous part. The Senator said yesterday, Rome was a great Empire and held the peace of the world for 500 years, because she granted Roman citizenship very freely to the nations, but that was at a time when Rome sat as the Imperial Mistress of the Western World with great armies, and these so-called countries whose citizens were granted Roman citizenship very largely were ruled by satraps. Rome would send her consuls into remote places and rule these people. It had no influence at all on the policy of Rome which was held firmly by the senate and the people in the imperial capital. Why, England is not disturbed by granting citizenship to people in the Australian colonies, so far as their government is concerned at home, but we would be disturbed in granting the people of the Philippine Islands citizenship as a part of the Republic of the United States, because in a few years, in 1840, there will be 20,000,000 of them, and their vote would affect the presidential elections and the congressional. It would be dangerous for us. But Rome was ruled by a strong centralized government consisting of "the senate and people of Rome"; not of the colonies. And what led to the destruction of Rome? It ought to be an example. It was bringing slaves as the result of wars to Rome in that age of slavery and putting them upon the soil, crowding off freemen and driving them into the city. The rich Romans had great estates, and they were worked by a servile class, and that class also grew and multiplied and became the rabble which finally overthrew the great Republic of Rome.

Froude says that the very rottenness that was engendered made the noble oak which had sheltered Rome for 500 years incapable of further serving that function, and that it was best to cut it down, to reduce the sheltering oak to lumber to construct the palace of the

Caesars; and so he justified the usurpation and the destruction of the Republic because the oak tree had fallen to the ground, and that was the beginning of the Roman Empire and the end of Republic.

The CHAIRMAN. In spite of that Rome lasted for 1,100 years, which was quite good for the life of a nation.

Mr. PHELAN. That is a very ripe age, and the intercommunication was so slow that there was no such nervous ramifications as the countries to-day enjoy, and I suppose if they live now for a shorter period they will by comparison not have lived less long. Everything has become intensified; some people see signs of failure already, due entirely to a foreign and unassimilable immigration and the destruction of the ideals of Republic. We can not absorb and certainly can not but imperfectly assimilate the large influx of people from Europe, and certainly not from Asia at all. That is the point. The oriental races are not assimilable. The races of Europe are potentially assimilable. We can make in a few generations a good American citizen out of a boy from France or England or Scotland or Ireland or Germany or Italy. Not so the black and brown and yellow races.

Now, I am not speaking idly; certainly not with prejudice. I have here an authority, none less than Herbert Spencer, and it is quite in point.

Herbert Spencer was asked by a Japanese statesman, at a time when Japan—now 70 years in the family of nations—was formulating her foreign policies, whether she should admit Europeans and attempt assimilation. His answer was an emphatic "No." I can not refrain from quoting this letter in part, as it squarely meets the present American-Japanese situation. Japan accepted Spencer's advice, has grown in strength, industrially, and as a nation, and has preserved the purity of her race.

She has kept our merchants out as far as she is able except to facilitate a reasonable exchange. She has kept wholly our agriculturalists out. There is no such thing as a Caucasian farmer in Japan. But she has also kept out the Chinese and Koreans by strict exclusion laws. She is in no position to make a protest before this committee. She is devoted to the preservation of her own people and she does protect them. The little fellows that are farming all over Japan will not suffer so long as Japan holds guard. The only competition is that of the Chinese. The Japanese get their dollar a day and the Chinese are willing to work for 15 or 20 cents a day; and when 200 of them came from China to Japan not long ago they were immediately deported. Japan is protecting her people and we are seeking to protect our people, and she can not come into this court with clean hands and protest against our purpose.

Herbert Spencer says:

It seems to me that the only forms of intercourse which you may with advantage permit are those which are indispensable for the exchange of commodities—importation and exportation of physical and mental products. No further privileges should be allowed to people of other races, and especially to people of the more powerful races, than is absolutely needful for the achievement of these ends.

And Spencer asked that the letter be not published until after his death because he knew it would offend his countrymen. England has been rather ruthless in going into China and India.

Spencer continues:

Apparently you are proposing, by revision of the treaty with the powers of Europe and America, "to open the whole empire to foreigners and foreign capital." I regret this as a fatal policy. If you wish to see what is likely to happen, study the history of India. Once let one of the more powerful races gain a point d'appui, and there will inevitably, in the course of time, grow up an aggressive policy which will lead to collisions with the Japanese.

Spencer continues:

These collisions will be represented as attacks by the Japanese which must be avenged, as the case may be; a portion of territory will be seized and required to be made over as a foreign settlement, and from this there will grow, eventually, subjugation of the entire Japanese Empire. I believe that you will have great difficulty in avoiding this fate in any case, but you will make the process easy if you allow of any privileges to foreigners beyond those which I have indicated.

To your remaining question respecting the intermarriage of foreigners and Japanese which you say is "now very much agitated among our scholars and politicians," and which you say is "one of the most difficult problems," my reply is that, as rationally answered, there is no difficulty at all. It should be positively forbidden. It is not at root a question of social philosophy. It is at root a question of biology. There is abundant proof, alike furnished by the intermarriages of human races and by the interbreeding of animals, that when the varieties mingled diverge beyond a certain slight degree the result is inevitably a bad one in the long run.

Darwin has observed on the subject of mongrelization that when widely divergent stocks are crossed there is a strong tendency to revert; the higher and more recently evolved characteristics vanish, and the primitive traits, not only physical but mental and moral, come to the surface. Indeed, there is a saying in the darkest continents that "God made the white man; God made the colored man, but the devil made the half-caste."

Agassiz wrote:

Let anyone who doubts the evil of this mixture of races and is inclined from mistaken philanthropy to break down all barriers between them come to certain southern countries. The amalgamation of races is rapidly effacing the best qualities of the white man, the Negro, and the Indian, leaving a mongrel, nondescript type, deficient in physical and mental energy.

The New York Times has a very able article, and this is the gist of it:

The question of miscegenation with Chinese and Koreans was relatively unimportant, the racial stocks being kindred, "yet the Japanese passed exactly the same kind of laws to which they now object in California." The editor sanely concludes that the relations between Japan and the United States are endangered "if we persist in regarding as a question of race pride what in reality is a matter of biology."

That is the whole thing; we can not grant racial equality to the Japanese, because there is no racial equality; there is racial difference.

The CHAIRMAN. Does marriage between the Japanese and the Caucasian in California prevail to any extent?

Mr. PHELAN. To no extent at all. There are isolated cases. While Chinese and Hawaiians make a good blend, the Japanese only intermarry among themselves in the Hawaiian Islands.

The CHAIRMAN. I was asking about California.

Mr. PHELAN. In California there are very few examples. Stanford University, at the request of the Commonwealth Club of New York, I think, undertook a survey. They went out among the

schools to determine the relative brightness of Japanese and of half-bred children and of white children. I wrote a letter to President Wilbur of the university, asking him for the result. He said the tests were just taken and there was not sufficient time to justify any conclusion, but that he found the Japanese children very bright; the half-caste children, the few that were there, were very bright, but not as bright as the white children. He says, whether those children five years from now will so continue progressively cannot be determined now.

This question raised by the Secretary of State with regard to putting Japanese on an equality with the Europeans, I think, is the main question that is before you. If you do it you will bring a flood of evils to the State. They will have then, logically undisputed, the right to vote, the right to own land, and they will upset all the work we have done for the purpose of restraining them and protecting ourselves.

I must add, as I said before, that this law, of course, only applies to the Japanese who are coming in here, and we have in California the very big problem of taking care of the Japanese who are already there.

When I was in Japan I was entertained by the Tokyo Chamber of Commerce. The old Japanese president of the chamber of commerce, Fugiyama, was exceedingly courteous, and so the secretary Hatteri. Probably there were a dozen men there, college professors and presidents of banks. They were curious to get my point of view because they had heard I was active in California in what they called anti-Japanism. I accepted their invitation. We had a very excellent luncheon at the headquarters, in a beautiful building dedicated to the purposes of the chamber of commerce which has since been destroyed by the earthquake. After the luncheon, during which not a word was said about our purpose, we adjourned to another room. The president raised the question and the discussion followed. Everybody there, except two, spoke and understood English. I gathered this, that they were agreed against immigration. They practically conceded the point that it would be undesirable for the United States to continue mass immigration of Japanese. That was settled as it is settled here, and we always come back to the best method of enforcing it. But they said, as I left, "A final word; can you not take care of the Japanese who are already there and give them all your privileges?" I told them that they had all the protection of the law; that is to say, whatever they legally possess—their lives and their property—were perfectly safe in California, and there had been no manifestation of unfriendliness except in very rare cases. I said that the laws always had been enforced for the protection of Japanese or other foreigners sojourning in our midst and that California was not a lawless State. That was all they asked; that we take care of the men who are there. But, sir, we have 100,000 of them. That is a big problem. The only question before us is to keep from replenishing that number. They will grow by reason of their extraordinary fecundity. We have a mass of undigestible people living in colonies, and if we let in 246 a year, there may be 246 women admitted, which means next year 246 births, and so ad infinitum. These women average a family of five each.

Make a geometrical progression. We have that continuing problem, and I do not know, really, how to meet it.

They will in the course of time, as in Hawaii, very soon enjoy the elective franchise by constitutional right—born on the soil. How receptive the politician is of the man or woman who enjoys elective franchise! The politician will trade for votes, and the few people who stand for principle will not only have to fight the native Japanese but the native politicians. You can imagine the conflict. It is racial. Race conflicts are most difficult of solution. You have one in connection with the Negro problem here. In the South they are plagued by 10,000,000 of negroes unassimilable. It is a great blight, and certainly it has taxed the limits of our generosity to take them into the family and make the most of it because we brought them here. It was one of the sins of the earlier Republic, and we shall learn that our sins have found us out and we shall have to suffer.

What we can do in California I can not divine, and I am not going to raise a new question here, but certainly as these children become of age they are full-fledged American citizens and can own land and enjoy elective franchise and destroy our ideals and institutions.

In Hawaii we have a situation which will be in California in the next few years; that as soon as they come into full possession of their suffrage they will elect their legislature, their mayor, and their chief of police and control the machinery of government in the Hawaiian Islands until, in order to meet that kind of a situation—because it is still a Territory and under the jurisdiction of Congress—we will tear down American institutions and give to the islands a form of government which will rule them arbitrarily from Washington, but California—a State is indestructible in law—will have to make her stand. I do not believe that the United States could tolerate for a minute a Japanese civil government in the Hawaiian Territory, not that it has too much regard, perhaps, for the Kanakas or, perhaps, for the 10,000 Americans living there, much as we would regret their unfortunate state, but because Hawaii is "The naval key to the Pacific." If there is any trouble in the Pacific we would not only have to meet a frontal attack, but a rear attack. The 110,000 Japanese living in the Hawaiian Islands are, many of them, veterans of the war, great fighting men, and they could range up behind our guns where we are spending millions of dollars for fortification and rout our gunners, because we can not maintain a garrison to meet a hostile attack of overwhelming numbers from the rear. And nobody believes for a moment that the Japanese are loyal to the American flag. They have a dual citizenship. It has been proved. Their allegiance has been tested. The Japanese are under obligation to those planters. The planters thought they had won their loyalty. Just as you would nurse a serpent and it would bite you for your pains, they turned upon the planters, and the only thing which saved the situation during the late strike was a Japanese commissioner who was sent from Japan in the interest of international peace, to hold down the Japanese.

They looked only to their consul. He was their directing force. I made that statement publicly in Japan, that Tokyo controlled the expatriated Japanese, and it was not denied. If Japan would forbid

the consul from interfering in domestic affairs and would destroy the Japanese-language schools, which tend to keep the Japanese away from anything common with the rest of the community, and which seek to maintain their Japanese character and Japanese allegiance and religion, involving Emperor worship, there might be some sort of a coming together of races which would do away with possible friction. The Japanese consul in San Francisco and Hawaii are the real governors of the Japanese, although they are under the protection of the Stars and Stripes.

Japanese interference in our governmental affairs should be resented. They are asking to be admitted into our house on terms which they make. Ordinarily a man is master of his own house and certainly has the right to select his guests.

You are asked to give us a small measure that will aid us in some degree in the solution of a great problem, to keep the Pacific for Americans and avert the danger of war.

I have digressed, because I have been asked by Senators to elucidate certain points which seem to be difficult in their minds to solve. If there is anything else you have in mind, I would be very glad to answer it as far as I am able.

The law which we have and the treaty and the gentlemen's agreement are inadequate. They have been violated in spirit and violated in fact.

The very presence of the very large number of Japanese in California and in the United States, showing a tremendous increase since 1908, is sufficient evidence. Whether they come in through the ports or surreptitiously I do not know. I know a great many come in through Mexico and Peru. The Japanese from whose book I quoted apologized for the number of men who came in from Peru because there was no way to control them. They buy tickets, he says, for home from Valparaiso to Yokohama, but as the ship touches at Salina Cruz they get off. They have purchased passage and nobody can prevent that. So in practice the gentlemen's agreement administered by Japan is a fraud. Whether laborers all come in through the ports or over the border is immaterial. The fact is that "the law" is such that we are not able to enforce it, and the only way of limiting the Japanese is to exclude them and make definite exceptions certified by American consuls.

And certainly when I ask you gentlemen to recover jurisdiction from Japan to the United States of America, it is asking very little; and when the Secretary of State asks as a mere matter to oblige the Japanese in order to prevent the United States from needlessly hurting their feelings, that they be put under the quota, it seems it might be a very gracious thing to which to accede, but it involves the principle of racial equality, and will continue to breed trouble on the Pacific coast; of that I solemnly warn you. "Racial equality" is the main question. The others are all matters of small detail and comparatively trivial. It is the whole question because once the principle of racial equality is conceded, nothing can prevent them from coming in here and claiming citizenship and land ownership. Lloyd George and President Wilson saw this and stopped it.

Beware of the cunning of Japanese diplomacy. My experience during my travels in Asia has been that Japan exercises a tremen-

dous power. She is the military master of the Orient, and she has ruthlessly assumed this position in China, Korea, Manchuria, and Sakhalin, in spite of her pretensions of always observing her obligations. She is hurt when we say that she is not in honor respecting the letter and the spirit of the gentlemen's agreement. Nevertheless, by every means of evasion, she violates the gentlemen's agreement.

Mr. Raymond Leslie Buell in his work, *The Washington Conference*, says this concerning Japan's violation of agreements and promises:

Such declarations as to future policies were made in the Hay correspondence of 1899 and 1900; in the Anglo-Japanese alliances of 1902, 1905, and 1911; in the Franco-Japanese agreement of 1907; in the Russo-Japanese agreement of 1907; in the Root-Takahira agreement of 1908; and in the Lansing-Ishii agreement of 1917. They were likewise made in regard to Korea in 1902 and in the evacuation of Siberia in 1918 and in 1920 and of Manchuria in 1905, and of Shantung in 1914 and 1919. Yet, despite these promises, Japan now remains in Korea and Siberia and Manchuria, and she is withdrawing from Shantung, after being compelled to do so by the outraged opinion of the world; but then only after having made certain of economic control. There is little to believe that a mere reiteration of a long line of promises will change the present position or prevent the future progress of the Japanese military machine, especially when the fear of armed intervention from abroad no longer exists.

We have made chaotic conditions and called it peace. We have disarmed ourselves in this conference, and Japan is going on arming herself by the construction of noncapital ships. She is the military power of the East, and I have always thought, with many authorities, that this California "smoke screen" which she constantly throws out is merely to cover her Asiatic aggressions and hoodwink the United States. She has beaten us in diplomacy everywhere and is capable of doing it again, and I tell you the California question, in my judgment, and in the judgment of authorities, is a camouflage, a "smoke screen," to enable her to carry out her activities in Asia in violation too often of the agreements into which she has entered.

Why, she was at peace with Russia when she entered the harbor of Port Arthur and struck without notice. She protested against the acquisition of the Hawaiian Islands by the United States. She has made her secret treaties, which have been since quietly confirmed, giving her the Marshall and other islands, where she has established a military base stronger than Gibraltar. She has advanced 2,000 miles by reason of these acquisitions to the coast of the United States.

All our naval experts say that our last stand is in Hawaii. We are not allowed to fortify the Philippines or Guam—a diplomatic concession to Japan. Why we acquired Guam I do not know, except to have a base. Our ships can not fight from Hawaii if the action is on the other coast. I hope they will never fight, but it merely shows the encroachments of Japan. Her clear policy is to sooner or later dominate the Pacific.

Now, the United States is a Nation dedicated to peace, and only asks not domination but equal trade opportunity—the open door. The compact which was entered into here by four powers lasts only for 10 years. In the meantime it simply gives Japan an excellent opportunity to reconstruct her military power, which it is doing, and to rehabilitate herself.

Then more negotiations. We have abandoned our superiority to placate a second-class nation, with no assurance of permanent peace. Supersensitiveness is an oriental subterfuge. We want to be friendly with Japan and have no designs whatever upon her.

San Francisco was asked for \$100,000 for the Japanese earthquake victims by the American Red Cross and gave \$500,000. But it is a poor requiting by Japan, after she has received the sympathy of the United States, to say that on that account it is an opportunity for pressing her case against the permanent interests of the American people. The demonstration of sympathy by the American people for the Japanese should go far toward helping our relations, and the good Secretary of State and societies sponsored by Mr. Taft and Mr. Wickersham say now, "Let us cement this friendship." It is a very hard plea to resist, if we did not stand on fundamentals and know the cost. What they ask is the privilege of coming into this country as Europeans, and as they can not possibly be assimilated, we can not possibly, as a matter of principle, compromise one iota. It is a delusive hope. If it is the census of 1890 to-day, it will be the census of 1920 to-morrow. And increasingly they will come in if they are put upon a census basis. That will be their demand until they overwhelm this country, particularly the Pacific slope, and continue to renew their colony system, which will ultimately and inevitably wreck the fair State of California and the fair State of Oregon and the fair State of Washington.

The people are all up in arms, figuratively speaking, against it. They send us here and they instruct you in your national conventions and their representatives speak to you with no uncertain tones; and there should be no question as to the practical unanimity of the sentiment against the admission of Japanese under the quota, if it is properly understood, and no question as to the right and duty of Congress to assert its authority and enact effective exclusion.

I met in my travels a gentleman who opened my eyes—none other than Lord Northcliffe. He said, "Ultimately you will have to solve this question by war." I said, "No; we can solve these questions by peaceful negotiations or by exclusion laws, and imitate in all respects the Australian-New Zealand Government and keep them out; they did not protest to Great Britain, their former ally, against the treatment by Australia or New Zealand; they are kept out." Lord Northcliffe said, "If you do that, of course, you will postpone the day"; and, addressing the commercial societies of Pekin, he said in my hearing:

In case there is ever any necessity for the United States to assert its authority in the Pacific against any Asiatic power I see no reason why Great Britain should not give the use of Singapore as a naval base.

The Japanese diplomatic corps has a private organ, which then bristled with such talk as this:

If Great Britain and the United States take that stand of excluding Japan from the Pacific, England lending the aid of Singapore, then Japan will raise the cry of Asia for the Asiatics, combine all Asia, if you please, and drive the English and the Americans out.

It is a threat that has been often made, but it should frighten nobody. I think the best way to meet threats is to act justly and firmly,

and that this is a singularly opportune time; and as Japan has set the example of excluding the Chinese from their own territory we simply exclude the Japanese laborers from ours, admitting their gentlemen, their travelers, their savants, their students, and merchants, giving them cordial welcome. Just as they welcomed me to their chamber of commerce would I welcome them to our chamber of commerce. We can be mutually helpful and should sedulously cultivate exchange in commodities.

They know very well that we are only directing our shafts against laborers that take the living from our people. They know in their hearts that we are not only justified but that we have a national duty to perform. It is accomplished when the Congress is convinced; when it restores our sovereignty and asserts our right.

No treaty nor agreement can be as effective as an exclusion law which will be the test of our sincerity in the accomplishment of our purpose.

(Certain documents, submitted for the record by Hon. James D. Phelan, are incorporated herein, as follows:)

RESOLUTIONS UNANIMOUSLY ADOPTED BY THE FIFTH ANNUAL CONVENTION OF THE AMERICAN LEGION AT SAN FRANCISCO, CALIFORNIA, OCTOBER 15 TO 19, 1923

Resolved, That the report of the national oriental committee of the American Legion, Thomas N. Swale, chairman, represents a valuable service; that the report is hereby approved and adopted by this convention, and the national legislative committee is directed to use the same in urging the national administration and Congress to perfect treaties and enact laws conformable to the recommendations thereof, and the printing of said report is hereby authorized and the continuance of said committee directed.

Resolved, That we renew and emphasize the action of the fourth national convention urging the enactment without delay of laws, and the negotiation of treaties if required, for the exclusion as immigrants or permanent residents of the United States of all persons ineligible to citizenship under the laws thereof.

Resolved, That it is the sense of this convention that the program and recommendations on immigration in all of its phases adopted by it as contained in the several resolutions on this subject be the special concern of the American Legion, and that the national officers charged with the duty exert every possible means and endeavor to secure immediate legislative action thereon; and be it

Further resolved, That each of the State departments of the American Legion be urged to take similar action by recommending to and urging upon each Senator and Representative in Congress from such States the enactment of laws in accordance with said program and recommendations with the least possible delay and at the meeting of the next Congress.

RESOLUTION NO. 86, INTRODUCED BY DELEGATES ANDREW FURUSETH AND PAUL SCHARRENBURG, OF THE INTERNATIONAL SEAMEN'S UNION AND ADOPTED BY THE NATIONAL CONVENTION OF THE AMERICAN FEDERATION OF LABOR AT PORTLAND, OREG., OCTOBER 11, 1923

Whereas, the terrible calamity which recently befell the people of Japan has justly aroused universal sympathy throughout America; and

Whereas there is serious danger that this sympathy for a stricken people is likely to be guided into channels that have always obstructed labor's demand for the effective exclusion of Asiatics; Therefore be it

Resolved by the American Federation of Labor, in forty-third annual convention assembled, That we hereby reaffirm our previous declaration upon immigration legislation; and be it further

Resolved, That we again urge Congress to hereafter deny admission, as immigrants and permanent residents, to all aliens who are ineligible to citizenship under the laws of the United States.

REPORT OF THE NATIONAL ORIENTAL COMMITTEE OF THE AMERICAN LEGION TO
THE FIFTH ANNUAL CONVENTION, SAN FRANCISCO, CALIF., OCTOBER 15 TO 19,
1923

THE JAPANESE EARTHQUAKE

On September 1, of this year, an earthquake caused the Japanese Empire the greatest loss of life and destruction of property in recorded history. The American Legion, notwithstanding the prominent part it has taken in resisting the encroachments of the Japanese on American soil, has been keenly sympathetic toward the victims of this catastrophe and generous in its contributions toward the relief of their distress.

The Japanese disaster, however, does not solve the problem of the Japanese in this country; rather, it may be expected to accentuate that problem. It is naturally to be expected that many of the inhabitants of the affected regions will attempt to find an asylum in this country, and that American sympathy will be appealed to, as in the case of the Greek and Armenian refugees, to induce us to receive these sufferers and the problem which they would bring with them. When it is considered that the number of those affected by the earthquake is estimated at 4,000,000, it will be understood how grave will be the situation for the Pacific coast if such an exodus gains headway.

JAPANESE VIEW AS TO EFFECT OF EARTHQUAKE ON JAPANESE-AMERICAN RELATIONS

Many Americans have hoped that the outpouring of sympathy and aid from America would convince the Japanese that the opposition to them was not based on hatred or prejudice, and in so doing would evoke from them an acknowledgement of the justice of the American demand for an ocean-wide segregation of the two races. Such, however, has not been the case. Instead of feeling that the demonstration of American friendliness called for any acknowledgment that the American point of view might be right, the Japanese seem to expect that sympathy for the victims of the disaster will result in the disappearance of all opposition to their peaceful conquest of American soil. Already a number of expressions of this hope have appeared in the Japanese language press of this country, typical of which is the following excerpt from the San Francisco Japanese-American News of September 15, 1923:

"We hope and believe that the American people by reason of this disaster will change their sentiments toward the Japanese people. For the past 10 years the reiterated arguments of the anti-Japanists have been based on sentiment rather than fact. * * * But now the sentiments which have been the chief elements in the question have clearly changed in consequence of this calamity. Even the people who up to yesterday were the foremost advocates of anti-Japanism to-day sympathize with Japan in her disaster and are talking of the brotherhood of all men and of humanity and are busily collecting relief funds. * * * The anti-Japanese movement in the West will probably be greatly ameliorated. It may even disappear entirely. * * * If this occasion results in the complete destruction of the anti-Japanese movement, or at least in partly mitigating it, the Japanese residents will be more than ever grateful to America and to the Americans."

PRESENT STATUS OF JAPANESE-AMERICAN RELATIONS

A successful appeal by the Japanese to American sympathy at the present juncture would be of far-reaching significance, for events which will have the most profound effect upon Japanese-American relations are at this moment taking definite shape in the fields of both diplomacy and legislation.

The Japanese treaty of commerce and navigation of April 5, 1911, expired on July 17 of this year (1923), and Japan is exerting every energy to secure such modifications of its provisions as will insure to Japanese in this country the same civil rights as are enjoyed by members of other races.

The present temporary 3 per cent immigration law of May 19, 1921, as extended by joint resolution of Congress on May 3, 1922, will expire on June 30, 1924, and there is pending in Congress a bill to supersede it, which, if passed, will effect a complete exclusion of Japanese from this country.

THE GENTLEMEN'S AGREEMENT AND TREATY OF 1911

In the 1922 report of this committee much space is devoted to the Root-Takahira convention of 1907, commonly called the "gentlemen's agreement," which was designed to restrict the admission of Japanese into this country to

travelers, students, and the like, through the action of the Japanese Government in issuing passports only to persons coming within the enumerated classes. According to the views of President Roosevelt, as quoted in the 1922 report, the gentlemen's agreement left the United States free to pass an exclusion law if the agreement failed to accomplish the results expected of it.

But the subsequent treaty of commerce and navigation of 1911 contained the provision that "the citizens and subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other upon the same terms as native citizens or subjects." President Roosevelt criticized this feature of the treaty of 1911 as depriving the United States of the right to pass an exclusion law; and the clause above quoted has been frequently invoked in opposition to proposed legislation aimed at Japanese exclusion. To the treaty of 1911, however, was appended a note signed by Baron Uchida, the Japanese ambassador, declaring that "the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of laborers to the United States," and it is this note which has furnished the basis for the continuance in effect to date of the Root-Takahira convention or gentlemen's agreement.

The treaty of 1911, as before mentioned, expired on July 17, 1923, and our National Government is facing the task of determining whether the treaty which is to succeed it shall continue to guarantee to Japanese the right to enter this country subject only to the restrictions of the gentlemen's agreement or whether the clause of the treaty of 1911 containing that guarantee shall be so amended as to leave Congress free beyond question to enact an effective exclusion law.

A forecast of what Japan will attempt to gain in the negotiations relative to the new treaty and by what methods can, it is believed, be formulated from a study of her course during former diplomatic encounters between the two countries.

REVIEW OF JAPANESE-AMERICAN DIPLOMATIC RELATIONS

In 1905 the San Francisco school authorities made an order aimed at preventing grown male Japanese from attending school classes with American children. The incident brought forth such vigorous representations from the Japanese Government that President Roosevelt sent his Secretary of War, Mr. Taft, to induce the people of San Francisco to rescind their action, and through his Attorney General brought suits in the State and Federal courts for the same purpose.

In 1907 and 1908, pending the negotiations which resulted in the gentlemen's agreement, the Japanese demonstrations were again so urgent that President Roosevelt felt impelled to dispatch the American battle fleet on a cruise, which significantly included a visit to Japan.

1913, when the Legislature of California had under consideration the first of its proposed laws aimed at preventing Japanese ownership of agricultural lands, the Japanese manifestations were so threatening that President Wilson sent his Secretary of State, Mr. Bryan, to California to endeavor to prevent the enactment of that law.

JAPANESE DEMAND FOR A DECLARATION OF "RACIAL EQUALITY"

At the Versailles conference in 1919 the Japanese delegation, headed by Baron Makino, sought to have incorporated in the covenant of the League of Nations a clause declaring their "racial equality." On learning of their purpose Senator James D. Phelan, of California, cabled to Secretary of State Lansing, as follows:

"Any declaration in constitution of league on 'race equality and just treatment' may be construed to give jurisdiction of league over immigration, naturalization, elective franchise, land ownership, and intermarriage, and an affirmative declaration that these are domestic questions should be made in consonance with established American policy. Believe western Senators and others will oppose any loophole by which orientals will possess such equality with white race in the United States. It is a vital question of self-preservation."

The Japanese demand was rejected by the votes of the delegates from the British Dominions—the American delegates not voting—but Baron Makino before the close of the conference said:

"I feel it my duty to declare clearly on this occasion that the Japanese Government and people find poignant regret at the failure of the commission to approve of their just demand * * * They will continue in their insistence for the adoption of this principle by the league in the future."

At the first Geneva conference in 1920 the Japanese delegates were furnished with three drafts of a racial equality measure which they were to present according to the developments of the conference. As at Versailles, they were unsuccessful.

CALIFORNIA LAND LAW OF 1920 AND THE MORRIS-SHIDEHARA NEGOTIATIONS

The issue as to the status of the Japanese in this country was brought to an acute stage when the California Legislature in the spring of 1920 passed a law greatly strengthening the antialien land law of 1913, and referring the act to the people to be voted on by them at the 1920 November election. The reaction of Japan was prompt. Secretary of State Colby was told by Ambassador Shidehara that the proposed law "would cause a wave of anti-American sentiment in Japan." Press notices from Washington announced that both Governments were alarmed over the prospect of the measure becoming a law, and that while the United States Government could not prevent a vote on the measure the State Department could probably influence the trend of the vote.

Bearing out the latter prediction, Mr. Davis, Acting Secretary of State, on the eve of the California election issued a statement intended to convey to the people of California the belief that the enactment of the law by their votes would be futile, as the Federal Government would take steps to render it of no effect. Mr. Davis said:

"The movement of California to recast the State laws affecting alien land tenure has been receiving since its inception the close and interested attention of the Department of State. * * * The department has had numerous discussions of the most friendly and candid nature with the ambassador of Japan, and it is believed he thoroughly realizes, as we have sought to make clear, that no outcome of the California movement will be acceptable to the country at large that does not accord with existing and applicable provisions of law, and, what is equally important, with the national instinct of justice."

The election occurred on November 2, 1920, and resulted in the adoption of the act by a 4 to 1 vote of the people of California. Never in the history of the State had a public measure been fought with a greater expenditure of money than was used in opposing this act. On December 8, 1920, the day before the act went into effect, Gov. William D. Stephens, of California, in answer to a request from Secretary of State Colby to be advised of the vote, telegraphed in part as follows:

"* * * I have no desire to embrace the negotiations now pending between your department and the Government of Japan * * *. From tomorrow on, however, this definite piece of legislation adopted so overwhelmingly by the people of this State springs into legal life, and as governor of this State it becomes my duty to see that it is just as vigorously enforced as any other law upon the statute books. Public opinion on this matter is overwhelming and very sensitive about any interference with or restraint upon the sovereign right of the State to deal with its domestic land problems. As governor, I shall deem it my duty to exercise my full constitutional power in the enforcement of this statute—justly, of course, but effectively."

In September preceding the November elections at which the California land law was adopted, the news items had announced that following a series of informal conversations covering a period of six weeks, Ambassador Shidehara had been authorized to enter into formal negotiations for a treaty on the subject of the proposed law and dealing with the subject of immigration. Numerous dispatches from Tokyo and Washington recorded the progress of the negotiations and were unvarying in the statement that in return for a revision of the gentlemen's agreement the United States would consent to the annulment of the California anti-Japanese land laws.

On December 26, 1920, a Washington report stated that the negotiations, which had been carried on in Washington between Ambassador Roland H. Morris and Baron Shidehara, had been formulated in the draft of an amendment of the treaty of 1911, the amendment guaranteeing to Japanese subjects in the United States equal civil rights with the nationals of all other countries, except that of naturalization, it being pointed out that Japan could not well request the alienation of her own subjects. Apparently the treaty draft

did not amend the immigration clause in the treaty of 1911, which matter was treated of in a report recommending a revised gentlemen's agreement.

In January, 1921, the draft of the Morris-Shidehara treaty was submitted to Secretary of State Colby. Upon the announcement of this event Senator Hiram Johnson, of California, issued a public statement attacking the proposed treaty wherein he said:

"From authoritative sources it is stated that the agreement between Ambassadors Shidehara and Morris embraces: (1) An exchange of diplomatic notes defining passport regulations, etc., which would 'tighten up' the present gentlemen's agreement relating to exclusion of Japanese from this country and (2) a treaty defining the rights of nationals of each country, and which will, in effect, abrogate and destroy the alien land laws of the State of California.

"The new gentlemen's agreement, notwithstanding its additional phrases, can be just as loosely administered as the present one, and, just as in the case of the present gentlemen's agreement, it will be honored more in the breach than in the observance. The result will be, under the suggested agreement, if adopted, a continuance of Japanese immigration and increase in the Japanese population in the West.

"A situation of this sort is intolerable, and I think I voice the sentiments of California when I say that in every legitimate and legal fashion the consummation of such a plan will be resisted."

Senator Johnson followed this statement with a demand that the report of Ambassador Morris be made public. This demand was not complied with but the result of Senator Johnson's attack was that the treaty was never submitted to the Senate.

PRESIDENT HARDING'S PRE-ELECTION STATEMENT

During the pendency of the Morris-Shidehara negotiations, aroused by the threatened abrogation of the sovereignty of their State, Governor Stephens and a delegation of California called upon Senator Harding in the midst of the presidential campaign of 1920. In answer to their inquiry as to his views on the Japanese question, Senator Harding said:

"There is abundant evidence of the dangers which lurk in racial differences. I do not say racial inequalities—I say racial differences. I am ever ready to recognize that the civilization of the Orient is older than ours, that their peoples have their proud and honorable traditions.

"In spite of the honor of these oriental peoples and in spite of their contributions to the world's advancement, it is conceivable that they may be so different in racial characteristics or in manner of life or practice from other peoples of equal honor and achievement, that no matter whether it be upon the soil of one or upon the soil of the other, these differences, without raising the question of inferiority, superiority, or inequality, may create as I believe they have created upon our Pacific coast, without blame to either side, a friction that must be recognized. The Nation owes it to the Pacific coast to recognize that fact. The Nation owes it to the Pacific coast States to stand behind them, in necessary measures consistent with our national honor, to relieve them of their difficulties."

LIMITATION OF ARMAMENTS CONFERENCE

With the issuance of President Harding's call for the Conference on Limitation of Armaments, Japan for the fourth time laid her plans to raise the issue of "racial equality." A Tokio dispatch stated that a body of professors who had long been a power in shaping Japanese opinion had prepared a manifesto as to Japan's position, including the proposal: "Race equality and other questions to be solved on a basis of human coexistence and a spirit of justice and humanity." Another Tokio dispatch quoted Premier Hara as saying that the delegates desired to attain "the removal of the barriers between the different races."

The Japanese hopes, however, were frustrated when Secretary of State Hughes issued his proposed list of subjects to be discussed at the conference, containing no mention of the question of immigration, land ownership, or race equality. Commenting upon this circumstance a Washington dispatch said:

"It is known in Washington that the utmost pressure has been brought to bear by the Japanese upon their Government to insist upon discussion and

settlement of the immigration issue at the conference. The militarist element has been foremost in that demand. Its newspapers are advancing the view that the 'open door' which America proclaims as the mainspring of its Far Eastern policy can not be kept open in Asia and slammed shut in California. The point is urged that the 'open door' can not honorably be interpreted to mean only an unrestricted passage for trade; that it ought to be construed as comprehending unrestricted movement of people, too.

"It is evidently the view of the State Department that the question of deciding who may or may not emigrate to the United States is not a topic for debate by an international conference. The omission of the subject from Secretary Hughes's agenda suggestions indicates plainly that we regard immigration a strictly domestic concern."

RESERVATION TO FOUR POWER TREATY EXCLUDING DOMESTIC QUESTIONS

As the Limitation of Armaments Conference proceeded a feeling of concern developed on the Pacific Coast lest the phrasing of the treaty to result therefrom should be such as by implication, if not by express declaration, to give Japan ground to argue in future that the United States and the several States were prohibited by the treaty from enacting measures adverse to the Japanese desires. A letter was addressed to President Harding signed by John R. Quinn, Lane Goodell, and C. D. Cunningham, department commanders of the American Legion for California, Oregon, and Washington, which read in part, as follows:

"From the press dispatches we gather the impression that the efforts of the American delegates will be directed to the solution of the so-called far eastern questions, and that it is their purpose to avoid a discussion of the question of Japanese immigration to this country, upon the theory that this is a matter of domestic concern and is not a subject for international negotiation.

"With this view we are in hearty accord; but we think it would be unfortunate if the Japanese delegates returned home in the belief that the movement to terminate Japanese immigration to this country had been automatically put at rest by an agreement expressly or tacitly professing to settle all matters in dispute between Japan and the United States. It is our conviction that so long as the question of immigration remains unsettled the chief cause of friction, and the only one which would justify this country in a resort to arms, will have been left untouched. * * *

"In view of the situation here outlined, we feel that in fairness to Japan its delegates to the conference should be unequivocally given to understand that all questions of immigration are left open to be settled by the United States Government as it deems best for the interests of the American people and independently of all other questions and considerations."

When the four-power treaty was signed it contained a reservation attached at the instance of the American delegates, and reading as follows:

"In signing the treaty this day between the United States of America, the British Empire, France, and Japan, it is declared to be the understanding and intent of the signatory powers: * * *

"2. That the controversies to which the second paragraph of article 1 refers shall not be taken to embrace questions which according to international law lie exclusively within the domestic jurisdiction of the respective powers."

Commenting upon this reservation a Washington dispatch said:

"That, although not advised at the moment, means particularly the Japanese immigration question. * * * The conference accepts the American view that questions of immigration are primarily of domestic concern."

Another dispatch said:

"This provision was put in for the express purpose of satisfying that very large body of Americans inhabiting the Pacific coast and making it clear to them that the conference would never have power to deal with such questions as immigration or land ownership. In other words, with such an understanding attached to the four-power treaty it was made certain that Japan could not appeal to the conference from the acts of State legislatures or of Congress restricting Japanese immigration or prohibiting Japanese ownership of land."

EXPIRATION OF THE TREATY OF 1911

As already mentioned, the Japanese treaty of 1911 expired on July 17, 1923. Some months before that date indications appeared as to what Japan's plan of procedure would be in the matter of negotiating a new treaty. As early

as January, 1923, dispatches from Washington and Tokyo told that Masano Hanhara, the newly appointed ambassador to the United States, had been instructed to take up the Japanese immigration question upon his arrival in this country. On May 5, Viscount Shibusawa, speaking at a dinner of the Japan-American Society in Tokyo, said:

"For the peace of the world and the harmonizing of oriental and occidental civilizations we have been trying to solve for years the Japan-American question. Many and various matters have cast threatening clouds over the relations of Japan and America, but most of them have been settled by concessions on the part of Japan. Only one unsettled question remains, i. e., the immigration question. We expected to have it settled at the Washington conference, but we were disappointed. The great European War—a thing we had thought impossible—did take place."

On May 18, Ambassador Hanhara, addressing the Japanese Society in New York, stated that the American attitude toward the Japanese immigrant was the one question in the whole bright outlook which vexed the minds of both people, adding: "The question is simply one of elementary principle in international intercourse—that is to say, of discrimination or no discrimination based on color or nationality."

On June 6, a Tokyo dispatch announced that the appointment of a joint high commission was being urged by a group of prominent Japanese, headed by Viscount Shibusawa, to investigate and recommend a solution of the treatment of Japanese in America, and on June 19 a Washington dispatch stated that Ambassador Hanhara in the near future would ask the United States to enter negotiations with a view to reaching an agreement on the rights of Japanese in this country if the American Government did not soon indicate a willingness to open such negotiations.

In the meantime, the Japanese in this country, either of their own initiative or at the instigation of the Japanese Government, have been conducting a campaign aimed at forcing an issue on the question of their rights.

This campaign made itself evident in March, 1923, when there appeared in various Pacific coast cities widely circulated petitions printed in the Japanese language. These petitions were to be signed by resident Japanese and forwarded to members of the Japanese Parliament, prefectural governors, statesmen, educators, social and public bodies, and by such means to the Japanese Prime Minister. Translated, these petitions read:

"We, the subjects of the Japanese Empire residing in America, are convinced that we are entitled to protection by the government of the home country, and that we are by treaty entitled to the same treatment by the American Government which is accorded to the people of all nations. But the facts are wholly to the contrary. The 200,000 and more Japanese who reside on the American mainland and in Hawaii are everywhere in all the States of America subjected to extraordinary discrimination, persecution, and insult.

"Fortunately, July of this year is the time for revising the Japan-American treaty. We believe it to be the proper duty of the government of the home land to the subjects of the empire not to let this opportunity slip but to deliver us from our cruel distress by bringing about an agreement, by treaty or otherwise, which shall guarantee the rights and liberties of subjects of the empire 'ineligible to naturalization.'

In view of the foregoing petition and of pronouncements in the local Japanese language press, Mr. H. Takeuchi, editor of the Great Northern Daily News, a Japanese language newspaper published in Seattle, was asked: "Just what do you want, your people; what do they expect from the American Government?" His reply was:

"We, the Japanese people, want from the American Government the same treatment accorded to other alien nationals. We want to be admitted to this country on the same basis as a resident of Europe; to have citizenship rights the same as an Italian; to intermarry the same as a Frenchman or Russian with the American people; to intermingle socially the same as an Englishman; to have the same business, rights, and protection as a Greek. We want to be treated fairly; the same as you treat other immigrants."

To the same effect an article by Kentaro Kaneko in a recent issue of an American periodical expresses the thought which is animating the entire Japanese nation, and incidentally shows how important was the reservation of the four-power treaty excluding domestic controversies. The writer says:

"The Washington conference did not take up any questions dealing with the internal affairs of the United States or any of the individual States and, as a consequence, the questions which have been for long years pending between Japan and America were not brought into the discussion at the conference. These pending questions, as all know, are summed up in the one phrase, 'the California question'—the anti-Japanese land laws, the racial discrimination laws, the law prohibiting the intermarriage of Japanese and whites, the problem of Japanese immigration and dual domicile, the question of education and religion, the problem of American agrarian economy, and many others.

"These long pending questions must be solved if we are to maintain the cordial and amiable friendship which has existed nearly 70 years unblemished and undisturbed in every way * * *."

THE TEMPORARY 3 PER CENT IMMIGRATION LAW

The present temporary 3 per cent immigration law was approved by President Harding on May 19, 1921, and by its original terms was to expire on June 30, 1922. In general, the effect of that law is to limit immigration from any given country to 3 per cent of the number of foreign-born persons of that nationality resident in the United States as determined by the census of 1910. The act, however, does not apply to the Japanese, for it contains a clause to the effect that the 3 per cent provision "shall not apply to aliens from countries immigration from which is regulated in accordance with treaties or agreements relating solely to immigration."

In anticipation of the expiration of the temporary 3 per cent law the House Committee on Immigration conducted hearings throughout the winter of 1921-22, where divers plans were discussed. Not being able to come to an agreement as to a definite permanent policy, the committee recommended and Congress on May 3, 1922, adopted a joint resolution extending the life of the temporary 3 per cent law for two years, or until June 30, 1924.

THE PERMANENT IMMIGRATION BILL

On June 30, 1922, Chairman Albert Johnson, of the House Immigration Committee, introduced a bill to establish a permanent immigration policy. This bill, with the committee amendments, was favorably reported to the House on February 15, 1923. The bill, as reported, provides for reducing the quota of immigration from any one country to 400, plus 2 per cent of the foreign-born individuals of such nationality resident in the United States as determined by the census of 1890. As to the Japanese, it seeks to bring about total exclusion under a clause declaring that "an immigrant not eligible to citizenship shall not be admitted to the United States," exceptions being made in the case of ministers of the gospel, professors of colleges, members of any learned profession, and bona fide students who seek to enter the United States solely for the purpose of study. As explained by Chairman Johnson, the provisions relating to the Japanese were designed to translate into law the terms of the gentlemen's agreement.

PROSPECT OF LEGISLATIVE OR DIPLOMATIC ACTION

A disposition on the part of Congress to avoid arousing Japanese antagonism following the conclusion of the four power treaty and the prospect of the adjustment of the immigration question during the process of revising the 1911 treaty of commerce made it impossible for Chairman Johnson to obtain a vote on the proposed permanent immigration law prior to the adjournment of Congress on March 4, 1923. A statement reflecting the hopes of the pro-Japanese element in the United States is found in a dispatch from Washington which said:

"The Washington Government has been given to understand that there is no chance for Senate action on the Johnson bill prior to March 4 * * *. It is quite likely, before Congress meets next December, this whole matter will be settled through a treaty made after friendly discussion between representatives of both governments and free from the harmful effects of abusive and spread-eagle debates. Recall again the treaty of 1911 between the United States and Japan will expire on July 17, 1923. Negotiations of some sort, therefore, must take place soon. In view of the agitation in Congress, where the immigration question has been pending for several years, and on which Pacific coast influence

has been brought to bear without cessation, it is believed to be inevitable that the new treaty with Japan will cover specifically the admission of her nationals. It will not cover it, however, in a way to please the Pacific coast politicians."

The last-quoted sentence is apparently intended to convey the impression that our State Department is negotiating a treaty which will deal with the Japanese immigration question in a way displeasing to the people of the Pacific coast. If such is its purpose this committee can not agree with the writer of the dispatch. It can not believe that the national administration will agree to any treaty which would tend to weaken the existing restrictions against Japanese immigration, grant naturalization rights to Japanese, or annul the antialien land laws of the Western States.

As was said by Secretary of State Root in discussing the San Francisco school question: "The protection of the interests of every locality in the country is always the true interest of the Nation." We believe that the national administration has that true interest at heart, and that the reservation attached to the four-power treaty excepting all domestic questions from the purview of that convention constitutes a guaranty, in which the Pacific coast may place its faith, that nothing will be done by the diplomatic representatives of our Government which will tend to undermine the resistance of the Western States to the encroachments of the Japanese.

ANTIALIEN LAND LAWS

A reliable index to the feeling of the people of the West on this question is to be found in the legislation by means of which, in default of action by the National Government, they have sought to hold back, if they could not entirely stop, the Japanese incursion. In the 1922 report of this committee it was shown that laws aimed at preventing the ownership and leasing of agricultural lands by Japanese had been passed by the legislatures of California, Washington, Texas, Arizona, New Mexico, Nevada, Colorado, and Nebraska. That report omitted to say that a similar law to meet the same emergency had been enacted on the Atlantic seaboard by the State of Delaware.

Since the 1922 report was written Oregon, Idaho, and Montana have enacted antialien land laws based on the California statute, and California and Washington have enacted amendments materially strengthening the laws of those States. In practically every instance these bills were introduced at the instance of and pressed to a successful conclusion by representatives of the American Legion in the respective States.

SUPREME COURT NATURALIZATION DECISION

In connection with the pending permanent immigration bill it may be remarked that this bill, if it becomes a law, will have been fortified by the decision rendered by the United States Supreme Court on November 13, 1922, declaring Japanese not "white persons" within the meaning of the naturalization statutes. One paragraph of Justice Sutherland's opinion would apply to the pending bill or to any other exclusion measure which Congress might enact. It reads:

"The briefs filed on behalf of appellant refer in complimentary terms to the culture and enlightenment of the Japanese people, and with this estimate we have no reason to disagree, but these are matters which can not enter into our consideration of the question here at issue. We have no function in the matter other than to ascertain the will of Congress and declare it. Of course there is not implied, either in the legislation or in our interpretation of it, any suggestion of individual unworthiness or racial inferiority."

PROPOSED BILL TO GRANT RIGHT OF NATURALIZATION TO JAPANESE

An aftermath of the Supreme Court's decision was the announcement in Japanese language newspapers published in this country to the effect that a United States Senator had promised to introduce and work for the enactment of a bill to grant the right of naturalization to Japanese. On obtaining translations of these statements the chairman of this committee wrote the Senator in question, in part, as follows:

"As you are doubtless aware, there exists on the Pacific slope a widespread and very deep concern over the numbers of the Japanese who have settled on our soil. There is a feeling that those already here constitute a problem

which will tax the self-control of our people and the wisdom of our statesmen, that a mistake was made in letting the Japanese come here at all; and that the ideal solution of the problem would be to convince the Japanese that the interests of peace and good will would best be served by their voluntary withdrawal from this country rather than by their continued efforts to increase their numbers, power, and privileges.

"This feeling is evidenced in many ways, but it is sufficient to mention the formal expression of it through the enactment of State laws aimed at discouraging further Japanese immigration by forbidding the owning or leasing of agricultural lands by Japanese under the designation of 'persons not eligible to citizenship.'

"The attitude of the Japanese toward these laws has been little short of seditious. They have openly defied them and have resorted to every subterfuge to evade them. But, what is more to the point, they boast that when the rapidly-increasing numbers of their American-born children come to voting age they will not only force the repeal of these laws but will break down all other barriers to the unrestricted admission of their nationals.

"When it is considered that the Japanese births in the State of California are now more than 5,000 each year, and in the State of Washington more than 1,200 each year, with a total of something more than 50,000 for continental United States and an even larger Japanese number for Hawaii, the formidable character of this future American-born Japanese vote is apparent. But a bill granting to Japanese the right of naturalization, if passed, will in addition at once give the vote to at least 150,000 Japanese-born adults in Hawaii and on the Pacific coast; and there can be no doubt that these votes will be cast in a block in support of every demand of the Japanese Government aimed at overcoming the resistance of the Western States to the admission of its people.

"As it is, there have been, notwithstanding the gentlemen's agreement, more than 120,000 admissions to continental United States and Hawaii since that agreement was made. These people have come here, not as future American citizens in the sense in which immigrants from other countries have come, but as colonists of Japan, establishing centers of Japanese population and influence which are neither more nor less than outposts of the Japanese Empire on American soil. By the fact that they can never become an integral part of the American national stock through blood fusion they are foredoomed to remain among us a race apart. Being so separated from us by the barrier of race, they can not fail to be an ever-increasing source of friction and complications between this country and Japan.

"Rather than grant the privilege of citizenship to Japanese immigrants, it is the belief of the people of the Pacific slope that this privilege should be withheld not only from the Japan-born arrivals but from their progeny in this country as well."

YAKIMA INDIAN RESERVATION SITUATION

The report of this committee for 1922 referred to the struggle which the men of the American Legion in the Yakima Valley of the State of Washington have been carrying on to recover the Indian lands on the Yakima Reservation from the Japanese into whose hands they had largely fallen during the war. Mention was made of the ruling of former Secretary of the Interior, Albert B. Fall, to the effect that in future no lease of these lands should be made or renewed to others than American citizens.

An apparent lack of energy on the part of the resident Indian agent in carrying out Secretary Fall's ruling resulted in the calling of a mass meeting under the auspices of the American Legion which was held at Wapato on the evening of March 28, 1923, and attended by more than a 1,000 farmers of the entire Yakima Valley. The meeting resulted in a letter to Secretary of the Interior Hubert Work, complaining of the persistence with which the Japanese were clinging to their holdings and asking an investigation by the department. Responsive to this request an investigator appeared and is at the time of this writing conducting an inquiry into conditions on the reservation. Soon after his arrival the Indian agent resigned.

During the past summer the chairman of this committee, was advised that Secretary Work had made a ruling in the case of a lease by an Indian of oil lands in Oklahoma, which seemed to reverse the ruling of Secretary Fall in the matter of the Yakima Reservation leases. The subsequent visit of Secretary Work to the Pacific coast was availed of by a committee of Washington

Legion members, headed by Department Commander Lewis B. Schwellenbach, who obtained from Secretary Work assurances that he would accord recognition to the anti-alien land law of Washington as having force, under the principle of comity, on the Indian lands under Federal jurisdiction within the territorial limits of that State.

The Yakima Indian Reservation issue is more significant than the mere question whether a million acres of rich soil, irrigated at a cost of \$15,000,000 of Federal money, shall be a land of contented American homes or a Japanese colony. That question alone would justify the fight which the American Legion in the State of Washington is making to restore the reservation to American tenantry. But, more than this, the situation has furnished the Federal Government an opportunity to take a definite stand in support of the Pacific coast, and the thanks of the Legion should go to Secretaries Fall and Work, for the patriotic manner in which they have upheld our comrades in the Yakima Valley. Nor can this committee let pass the present opportunity to say that in standing firmly behind his department heads in this contingency President Harding made good in striking fashion his pre-election assurance that "the Nation owes it to the Pacific coast States to stand behind them, in necessary measures consistent with our national honor, to relieve them of their difficulties."

CALIFORNIA FISHERIES SITUATION

Not dissimilar to the situation on the Yakima Reservation is the situation in regard to the California fisheries, which was mentioned in the 1922 report of this committee. The present situation is set forth in an article in the Los Angeles Record of August 29, 1923, from which the following quotation is taken :

"Eight hundred Japanese families have colonized at San Pedro. * * * The Japanese men who head these families have attained control of fishing out of San Pedro, despite Federal laws designed to halt them. Japanese babies are being born so fast that they constituted 20 per cent of the births in San Pedro during the past 12 months. Since the end of the war every step made to eliminate Japanese fishermen from San Pedro has been blocked. Half a dozen United States Senators are urging Federal action. William J. Burns has accumulated data for the Department of Justice. But final action of Government machinery has been mysteriously blocked for three years. Those who ask immediate elimination of Japanese fishing activities declare that the United States is stupidly permitting a situation to gradually assume grave proportions. The longer the solution is delayed, they point out, the more difficult it will be to solve. Now the American Legion executives of the Pacific coast have entered the controversy. They are prepared to demand action, as they did in the Wapato, Wash., colonization."

The statement that the California Legion executives are entering the fight to return these fisheries to American control is reassuring. This committee believes that a vigorous fight conducted by them along the lines of that made by their comrades in Washington with regard to the Yakima Reservation leases will produce results of the most important character.

HAWAIIAN SITUATION

The 1922 report of this committee goes at considerable length into the situation in the Hawaiian Islands. The testimony before the House Committee on Immigration, which was incorporated in that report, revealed conditions in connection with the strike of the Japanese field hands in 1920 which it was difficult to believe could exist under the American flag. That testimony has since received significant corroboration.

As a result of the revelations at the hearings before the House Committee on Immigration, Secretary of Labor James J. Davis was authorized by Congress to send a commission to the Hawaiian Islands for the purpose of investigating the conditions told of at the hearings. The commission consisted of the following: L. E. Sheppard, president of the Brotherhood of Railway Conductors; Otto Hartwig, secretary of labor of the State of Oregon; Fred Kelightly, secretary of the Amalgamated Association of Iron, Steel, and Tin Workers of America; John Donlin, president of the building trades department of the American Federation of Labor; Hywell Davies, commissioner of conciliations, Los Angeles, Calif.

The full report of this commission has never been made public, but from that portion given out by the Secretary of Labor we quote as follows:

"In diagnosing the situation we have arrived at the following conclusions:
* * * That attention should be specially called to the menace to alien domination, and that the present policy of 'parental adoption' and importation of 'picture brides' by the Japanese should be stopped, because these practices have defeated the purpose of the so-called 'gentlemen's agreement' by creating a method of genetal reproduction augmented by the picture bride that will soon overwhelm the territory numerically, politically, and commercially, unless stopped.

"The menace from a military standpoint can be fully verified by referring to the records of the related Federal departments.

"The question of national defense submerges all others into insignificance. If these islands are to remain American, the assured control of the political, commercial, social, and educational life of the islands must also be American, and the sooner we wake up to a fuller appreciation of this imperative and immediate need the sooner we will make the people of the Hawaiian Islands feel generally a greater sense of security and insure control of all that contributes to make continued living in the Territory of Hawaii worth while.

"In the interest of the national defense and the welfare of American citizenship in the Territory, the commission respectfully and earnestly recommends that the question of alien domination be immediately referred to the Congress of the United States for the necessary remedial legislation."

Chairman Albert Johnson of the House Committee on Immigration, in his report on the Hawaiian situation, referring to the report of the Davis commission, observed:

"That report * * * contains statements of such startling character that the Secretary does not feel at liberty to make its full text public. The report has been offered to the House Committee on Immigration and Naturalization as a confidential matter to be read in executive session. The committee declines to receive the report under such conditions. * * *

"The question of labor in the Territory of Hawaii is second to that of the problem brought about by the rapidly increasing Japanese population. An attempt at a solution can not long be deferred."

The message of Gov. Wallace R. Farrington, of Hawaii, to the Territorial Legislature, dated February 21, 1923, contains a number of pertinent observations on the Japanese situation in the Hawaiian Islands from which we quote:

"Hawaii is free from race prejudice. It has developed, however, that among people coming to this Territory and enjoying our American freedom of thought and action, an element has arisen that interprets liberty as license and claims exceptional privilege as a right to be demanded. These malcontents and agitators have been more successful among the Japanese than with other resident aliens.

"A striking evidence of the operations of these agitators was the attempt in 1920 to organize a general strike among the Japanese for the purpose of dominating the laborers in the sugar industry. The spirit prompting the movement was voiced in vicious and insulting propaganda carried on by units of the Japanese language press. A natural result was conspiracy to destroy life and property. * * * The insulting attitude of this alien element, its reckless statements directed against our American plan of progress tends to arouse bitter resentment and lead to radical legislation."

Referring to the attitude of the Japanese toward the law for the supervision of the alien language schools, of which, according to the 1922 report of this committee there are 160 maintained by the Japanese in the Hawaiian Islands, with more than 20,000 pupils, Governor Farrington says:

"The administration of this law has brought into striking relief the capacity of some of the aliens in this Territory to assimilate with Americans. Up to the present writing it is not necessary to discuss whether some of these aliens can assimilate. If their defiant and discourteous action means anything, it is that they have no desire to assimilate. They apparently aim to dictate."

In closing this reference to the situation in the Hawaiian Islands it is thought proper to repeat for the purpose of emphasis what was mentioned in the 1922 report of this committee, that it is only a matter of a few years—10 at the outside—when the Hawaiian voters of Japanese parentage will hold the balance of power in the politics of the islands; and a matter of not more than 15 years when they will be in a position, following the example of the Americans in 1898, to declare the islands independent of American rule and petition the

Japanese Empire to annex them. Four years ago this future strength of the voters of Japanese descent was forecast by the Honolulu Nippu Jiji, which predicted that in 1933 the Japanese vote in Hawaii would decide whether the Democrats or Republicans would win. A military dictatorship, backed up by armed forces of overwhelming strength, offers the only guarantee of the retention of American sovereignty over the islands.

ACTION BY THE CANADIAN GOVERNMENT

Without going into statistics as to the Japanese in Canada, where, likewise, the Chinese and Hindus are very numerous, suffice it to say that the situation has become so serious that the Canadian Parliament and Government are taking vigorous steps to bring about a termination of all oriental immigration into the Dominion. In May, 1922, the Canadian House of Commons adopted a resolution as follows:

"In the opinion of this House, the immigration of oriental aliens and their rapid multiplication is becoming a serious menace to living conditions, particularly on the Pacific coast, and to the future of the country in general, and the government should take immediate action with a view of bringing to an end further such immigration for residence purposes."

In November, 1922, the legislature of British Columbia adopted a government motion calling upon the Federal Government to amend the immigration act so as to prohibit all Asiatic immigration to Canada. In March, 1923, the Right Hon. McKenzie King, Prime Minister of Canada, informed the House of Commons that the Canadian Government was negotiating with the Japanese Government with a view of limiting the number of Japanese immigrants to Canada to 400 annually. On May 2, of this year, an Ottawa dispatch stated that official announcement had been made that day that the Dominion Government would enforce stricter regulations against Chinese and Japanese, and that only merchants and students would be admitted without restrictions.

In the matter of the fisheries, which had almost completely fallen into the hands of the Japanese, the Canadian Government has recently taken vigorous measures looking to the restoration of the industry to the whites.

RÉSUMÉ OF PRESENT DIPLOMATIC AND LEGISLATIVE SITUATION

From the published expressions of Japanese of prominence set out in the opening portions of this report, it seems clear that the situation confronting our National Government is as follows:

Japan desires, in view of the expiration of the treaty of 1911, to retain in the new treaty the present clause guaranteeing to Japanese the right of unrestricted immigration to this country subject only to a collateral gentlemen's agreement which, like the existing arrangement, shall have only such force as the diligence of the American Government and the good faith of the Japanese Government shall give it.

Along with a renewal of the guarantee of unrestricted admission of its nationals contained in the treaty of 1911, Japan will seek to obtain as many as she can of the following concessions:

1. A guaranty of the right of Japanese to own and lease agricultural lands in the United States, which right is not guaranteed in the treaty of 1911.

2. A guaranty against restrictions on the part of the several States against the right of intermarriage with Americans.

3. Possibly, a guaranty of the right of naturalization with the incidental right of suffrage, the doubt on this point being due to the fact that Japan insists on retaining the allegiance of its subjects in this country and can not without inconsistency demand for them the right of expatriation.

Failing to obtain the foregoing by express treaty declaration, Japan will attempt to gain the same end by means of a declaration of the Japanese "racial equality."

While seeking to gain the above-named concessions by treaty, Japan will endeavor to prevent the enactment of any form of exclusion legislation by Congress.

It is important to note that all of the Japanese demands are directed at the eventual removal of all bars to the immigration of her subjects, even if the right of free admission guaranteed by the treaty of 1911 should for the time being be abrogated and an exclusion law be passed; for whatever tends to strengthen the present hold of the Japanese in this country gives just

so much more opportunity for the extraordinary Japanese birth rate to bring about that increase in the number of voters of Japanese parentage to which the Japanese look with great expectancy and which is causing grave concern to those who are keeping closely in touch with the Japanese purposes.

Opposed to the Japanese demands are those of the Western States as follows:

1. Elimination from the new treaty of the guaranty of the right of free admission contained in the treaty of 1911.
2. Omission from the new treaty of any provision tending to abrogate or weaken the antialien land laws of the several States, or guaranteeing either the right of suffrage or the right of intermarriage.
3. Termination of the gentlemen's agreement and restoration of control of Japanese immigration to the American Government through American officials.
4. Substitution for the gentlemen's agreement of a law, as little offensive to Japan as possible, insuring complete exclusion of Japanese except bona fide students, travelers, and the like.

THE GENTLEMEN'S AGREEMENT SHOULD BE TERMINATED

It is worthy of note in considering the present controversy that while Japan has always professed to seek for its nationals only equality of treatment with the people of other countries, that country in fact has heretofore uniformly asked for and obtained exceptional treatment for its nationals.

The gentlemen's agreement is believed to be the only agreement ever entered into by this or any other country under which the sovereign right to regulate immigration has been surrendered to a foreign government. The real nature of this agreement was stated with prophetic accuracy 15 years ago in a protest addressed to Congress by the first international convention of the Asiatic Exclusion League of North America held in the Seattle Labor Temple, February 3, 4, and 5, 1908, which states that the convention did most respectfully—

“Protest against the administrative and executive officers of the United States entering into any agreement which will permit the ruler of any foreign country to make stipulations as to what class of persons, and in what numbers, shall leave said foreign country for the purpose of immigrating to the United States;” and did

“Declare that any such agreement with a foreign power is a subversion of the traditions and policies of the United States, and a betrayal of the rights of American citizens;” and did further

“Declare that the incoming immigrants into the United States is a matter for domestic legislation and regulation, and is a prerogative of Congress and of Congress alone.”

Thirteen years later the executive council of the American Federation of Labor in its report to the 1921 national convention at Denver said:

“The ‘gentlemen's agreement’ with Japan has proved to be a failure because the Japanese in a cunning and stealthy manner have outwitted the intent of the law. This peril is not only a serious condition for California, but it is a positive menace for our entire Nation. The American Federation of Labor is fully justified in taking a firm stand to do away with the ‘gentlemen's agreement’ and in its place inaugurate a definite policy calling for total exclusion of Japanese with all other orientals.”

The two foregoing statements emanating from bodies representative of American organized labor point out as clearly as this committee could hope to do within the limitations of this report the inherent weakness and the complete failure of the gentlemen's agreement. If more detailed information is desired as to the particulars wherein that agreement has failed of its purpose reference is made to the 1922 report of this committee.

This committee recommends in line with the resolutions of the American Legion at previous national conventions, that the gentlemen's agreement be immediately terminated.

THE IMMIGRATION CLAUSE IN THE TREATY OF 1911 SHOULD BE ABROGATED

The termination of the gentlemen's agreement without abrogating the immigration clause of the treaty of 1911 would leave the country with no restriction upon Japanese immigration, and would permit to continue the present doubt as to the power of Congress to enact a valid exclusion law which would contravene the guarantee of the right of unrestricted immigration contained

in that treaty. It is, therefore, an indispensable corollary of the termination of the gentlemen's agreement that the treaty of 1911 be declared at an end as provided for by its own terms, and that any new treaty omit the immigration clause contained in the treaty of 1911.

RECOMMENDATION AS TO FORM OF EXCLUSION LAW

With the way thus cleared for legislation by Congress, unhampered by doubt as to the validity of such legislation in the light of treaty provisions, the question will then be open to consideration as to what form an exclusion law should take.

A law expressly naming the Japanese, as in the case of the Chinese exclusion laws, is not necessary.

A law prohibiting immigration from all countries for a specified term of years would effect a temporary remedy and perhaps accustom the Japanese to the fact of exclusion without giving them any ground to claim discrimination. But such a law would be only temporary, for the country will sometime be ready to reopen its doors to immigration of its own selection, and in that event Congress will have to decide the question which it is facing now as what form a Japanese exclusion law should take.

The ultimate permanent solution of the matter appears to this committee to lie in the resolutions adopted by the last national convention of the American Legion at New Orleans, the principle of which is embodied in the pending immigration bill. The new Orleans convention said:

"Resolved, That this convention urge the enactment, without delay, of laws, and the negotiation of treaties if required, for the permanent exclusion as immigrants or permanent residents of the United States of all persons ineligible under the laws thereof to citizenship; and again,

"Resolved, That Congress be urged to permanently deny admission hereafter as immigrants or permanent residents, to all aliens who are ineligible to citizenship under the laws of the United States."

The American Legion has not been alone in urging the exclusion of the Japanese by means of a law-making eligibility to citizenship the test for the admission of immigrants to this country. The 1922 session of the National Grange at Wichita, Kans., declared:

"The National Grange indorses the provision in the pending immigration bill denying permanent residence in the United States to all aliens ineligible to citizenship and urges its immediate passage by Congress."

That the foregoing had specific reference to the Japanese question is attested by the further declaration:

"Whereas State laws have proved inadequate for the solution of the Japanese problem: Therefore, be it

"Resolved, That means be taken to set forth the facts regarding Japanese immigration and the latter's rapid penetration into this Nation, as existing to-day in California and other Pacific Coast States, to the end that means be taken to advise every Member of Congress and the President of the United States of the intense feeling of the people of the West in this matter, so absolutely vital to Christian civilization and to the white races of our country."

The 1922 convention of the American Federation of Labor declared:

"Resolved by the American Federation of Labor, in national convention assembled, at Cincinnati, Ohio, That we urge Congress to hereafter deny admission, as immigrants and permanent residents, to all aliens who are ineligible to citizenship under the laws of the United States."

In a word, the solution of this phase of the Nation's immigration problem is to be found in the naturalization laws which have been in force since the Government was established. Throughout the 140 years of our national life it has been the established policy of this country that certain races should not be granted American citizenship. In the original expression of that policy in our naturalization laws and in the reenactment and amendment of these laws from time to time there has been discrimination as pointed as any of which Japan can make complaint in the proposal to restrict the immigration of her nationals. Yet in all that time the right of this country to make such discrimination has been upheld by Congress, by the courts and by public opinion.

Conformable to the New Orleans resolution of the American Legion, the pending permanent immigration bill contains the provision that "an immigrant not eligible to citizenship shall not be admitted to the United States." This

committee believes that the bill, with the above provision included, should be passed at the next Congress. The provision can give the Japanese no legitimate ground for offense, and will not give them offense unless they are determined to find ground for objection in the unwillingness of the American people to ignore the racial chasm by which the Creator has separated them from the Japanese.

It can be said of the pending bill, as the United States Supreme Court in its recent decision said of the naturalization law, "there is not implied either in the legislation or in our interpretation of it, any suggestion of individual unworthiness or racial inferiority." It is, as President Harding said in his prelection speech to the delegation from California, not a matter of racial inequalities, but one of racial differences.

AN APPEAL TO THE AMERICAN PRESS

Within the last three or four years many instructive articles have appeared in American newspapers and periodicals relative to the Japanese situation both in Hawaii and on the American mainland. These publications are entitled to the gratitude of the American Legion and of the American people for their patriotic work in this particular. This committee takes this opportunity to express its appreciation of the excellent review of its 1922 report in the *American Legion Weekly*.

The committee would like to be able to say that the American press had been a unit in helping to educate the country to the facts of the Japanese situation, but unfortunately it must be admitted that there exists a considerable portion of the press—some of it located on the Pacific coast—which, for divers reasons, have lent their columns to disparagement of the Japanese exclusion movement.

The Japanese problem is not a local problem, as many seem to think—involving only the interests of the Pacific slope. It is a national problem in every sense of the word, and unless it is soon disposed of in a way to safeguard the interests and ideals of the American people the Nation can not long keep from becoming involved in the controversies which are inseparable from it.

The people of the Pacific coast in their resistance to the Japanese are not making a selfish stand. They are as truly rendering a patriotic service to the Nation in their endeavors to prevent the infiltration of the Japanese as if they stood in the trenches with rifles in their hands resisting the advance of an armed invasion. The Nation has no better right to remain idle and see them make the fight unaided than a commanding general would have to ignore a call for help from the men in his front line trench who are fighting to hold back the enemy until reinforcements could arrive.

This committee, therefore, appeals to the American press; to American writers, correspondents, and publishers to consecrate their talents and facilities to a study and exposition of this vital problem, to the end that the American people may know the facts and take the necessary remedial action before it is too late.

Respectfully submitted.

THOMAS N. SWALE,
Chairman National Oriental Committee American Legion.

JAPANESE IMMIGRATION LEGISLATION

SATURDAY, MARCH 15, 1924

UNITED STATES SENATE,
COMMITTEE ON IMMIGRATION,
Washington, D. C.

The committee met, pursuant to adjournment on yesterday, at 10.30 o'clock a. m., in the Immigration Committee room, the Capitol, Senator LeBaron B. Colt presiding.

Present: Senators Colt (chairman), Keyes, Reed of Pennsylvania, King, and Shields.

The CHAIRMAN. The committee will come to order. I have a telegram from Doctor Gulick reading:

Kindly authorize my filing with committee for record formal statement on Phelan's false and libelous charges concerning my alleged relations with Japan. Request your committee require him furnish proof.

I have a further telegram from Doctor Gulick, which reads:

Information just to hand reports statement by L. E. Ross director California State Bureau Vital Statistics, that Japanese population, California, 1923, was 79,831, and that annual number Japanese births is practically stationary. This is a marked contrast to V. S. McClatchy and James D. Phelan's assertions of 100,000, and my own rough estimate of between 80,000 and 85,000. Kindly read to committee.

I have also a communication from the Secretary of State requesting that we put into the nonquota class aliens from countries, immigration from which is regulated by treaty.

This letter will be made a part of the record.

(The communication in question is printed in the record in full, as follows:)

DEPARTMENT OF STATE,
Washington March 14, 1924.

DEAR SENATOR COLT: Referring to my letter of February 19, 1924, inclosing a copy of the letter I addressed to Representative Johnson on February 8, 1924, with respect to H. R. 6540, I beg to inclose for your information a copy of a letter dated March 14, 1924, which I have forwarded to Mr. Johnson, concerning the amendment I suggested to section 3 for the purpose of avoiding a conflict between the provisions of our treaties and those of the bill.

I am, my dear Senator Colt, very sincerely yours,

CHARLES E. HUGHES.

MARCH 14, 1924.

HON. ALBERT JOHNSON,
*Chairman of the Committee on Immigration and Naturalization,
House of Representatives.*

MY DEAR MR. JOHNSON: Referring to my letter of February 8, 1924, I beg to say that I understand there is some objection to the insertion of the exception I suggested in section 3 of H. R. 6540, for the purpose of avoiding a conflict between the provisions of our treaties and those of this bill, upon

the ground that the suggested exception would apply to treaties that might be hereafter negotiated. Of course, I can not in any way acquiesce in any arrangement or understanding or proposal which was apparently aimed at a limitation of the authority of the Executive in the negotiation of treaties, and it is hardly to be supposed that any treaty would receive the essential assent of two-thirds of the Senate if it were opposed to the wishes of the Congress.

However, in the exception that I proposed, I had in mind the existing treaties of the United States and my desire was to avoid an unfortunate violation of our international obligations by provisions in the bill which I believed to be inconsistent therewith. Accordingly, and in pursuance of this intent, I have no objection to the phrasing of the exception so as to make it read, "an alien entitled to enter the United States under the provisions of an existing treaty."

I am, my dear Mr. Johnson, very sincerely yours,

CHARLES E. HUGHES.

The CHAIRMAN. Senator Shortridge, we will hear you now.

**STATEMENT OF HON. SAMUEL M. SHORTRIDGE, UNITED STATES
SENATOR FROM CALIFORNIA**

Senator SHORTRIDGE. Mr. Chairman and gentlemen of the committee, my first duty is to thank the committee for the very patient, thoughtful attention it has thus far given to this problem of immigration, particularly as it bears upon oriental immigration, or the immigration into our country of peoples ineligible to citizenship, and I am very sure that that patient and thoughtful attention will continue to be given to the problem until it is solved.

I had intended some weeks ago to develop very fully the problem as we view it, but inasmuch as you have been good enough, in the performance of your duty, to listen to others, my labors will necessarily be curtailed, certainly in so far as the hearings before the committee are concerned. Later it will be my duty to make some observations to the Senate concerning these matters.

Mr. McClatchy so fully went into the details touching the material facts involved that perhaps nothing further can or need be said. You will recall, that he urged and dwelt upon various facts, all of which are to be weighed and considered in arriving at a policy. I need not, of course do more than merely refer to them as I now do, holding myself ready, if it should ever become necessary, to fortify, strengthen and defend every fact and every statement of fact that Mr. McClatchy has made. For he does not speak idly; he speaks authoritatively, as result of long study and accurate information. As I said when this hearing was opened, no one in California, no one in this country, has devoted more time, more unselfish attention to this problem than has Mr. McClatchy, and no one who knows him can question the absolute sincerity of his views, or his broad American patriotism.

If those qualities and characteristics have not been fully displayed here before you as a committee, I wish to say that we who know him know that he is animated by loftiest patriotism, and that his patriotism is not limited, so to speak, by the territorial boundaries of California. He is an American as you are, and as we are, and whilst he speaks immediately for California, he has in contemplation always the welfare of the whole Nation as a nation.

And I can say the same thing of General Webb. You remember I recalled that he had been our attorney general so long that the memory of man runneth not to the contrary, or, in other words, to speak accurately, he has been our attorney general for full 16 years, and possibly longer, being elected every four years practically unanimously by the people of our State. So that his views as to the treaty-making power of the Constitution, as to the power of the Congress in cooperation with the President in the matter of the passage of statutes, as to the reserved powers of the States to deal with domestic municipal questions within the State, as these questions impinge upon or have to do or may come in conflict with the powers of Congress to legislate in respect of our intercourse with foreign nations—his views as to these questions are entitled to great weight, for General Webb for many years has had to do with these and many other related questions which are to be considered by us in framing an immigration bill.

The question of the naturalization of certain orientals has engaged his attention. As has been remarked, comparatively recently a Japanese applied for naturalization under our existing laws. Well, it was due largely—and I take pleasure in giving him the credit—it was due very largely to the learning, the masterly presentation of that problem to our Supreme Court that in the late decision referred to it was held, determined, that under existing naturalization laws a Japanese is not eligible to naturalization or citizenship.

I scarcely need to say that Senator Phelan is equally familiar with this whole problem, as he made so manifest in his splendid presentation of this matter before this committee. So that it would be a work of supererogation for me to go over the matter in detail, and, indeed, it may seem unnecessary for me to add a word to what has been presented to the committee. But accredited to speak, in a sense, authoritatively, for California; feeling so deeply on this question, and having devoted so many years to its study; entertaining fixed opinions as to the policy which our Nation should adopt and continue to adhere to; and having a fixed opinion as to the power of Congress to legislate on this subject without giving just offense to any nation, I am going to trespass a few moments, by your courtesy, to consider the problem, perhaps from a somewhat different viewpoint, yet approving all that has been said.

First, I would have the Senate, I would have you learned men, chosen representatives from great States—Senators of the United States—not Senators of individual States, but Senators of the United States—I would have you consider and have my country consider the form of government our fathers set up and which thus far we have maintained, a representative government, a republican form of government, a Republic.

I need not remind you that this form of government calls for the highest type of intelligent citizenship. The history of the world, wet with tears and blood, teaches us that a Republic to be maintained, to be perpetuated as a blessing, must be sustained, guarded, watched over, not only by love and devotion, but by wisdom. I am not saying this merely to use words, but these thoughts I have sought to impress upon many, many people during the last 25, 30, or more years, and I have said, and I beg to repeat to you, that just as great

wisdom, born of historic knowledge, and with foresight, framed our Constitution, so wisdom has preserved it and wisdom must maintain and guide it.

That brings me to the fundamental principle upon which I stand and upon which I submit this Nation rests, and upon which its security depends, and that is that we must have a loyal, patriotic, devoted, intelligent citizenship. In a word, one people, a homogenous people, with one altar of patriotism, with one Constitution to which all are devoted, and of course, as the symbol of the Nation, just one flag in the sky, one flag. So that with love, devotion, loyalty, patriotism, intelligence and wisdom, the Nation we love and which we hold in trust shall be preserved and perpetuated.

Now, what has been the policy of our Nation as to citizenship? You have been reminded that from the first naturalization law passed in 1790, the fathers then and their successors down to this hour recognized that here on this Continent, was to be founded, and was founded, a Republic, the United States of America. The Convention in Philadelphia had framed and formed that Government, and whilst the new Republic was then a haven for the oppressed and downtrodden of the earth, and whilst America reached out her arms and welcomed all the broken in spirit, the heavy burdened, and the sorrowing, yet from the outset we recognized, our fathers—Washington, Hamilton, Franklin, Jefferson, the great Judge Wilson of Pennsylvania—all recognized that if we were to have this form of government we must have a certain type of citizen, and so we have the act of 1790, and that act in respect to the type of men who should become citizens of America has remained the same with the one exception, that out of the great tragedy of the Civil War we amended the act to the extent of making eligible to citizenship the African or those of African descent.

But that national policy, from 1790 to this hour has run along like the Gulf stream, and no statesman has risen to question the wisdom of that policy. No man esteemed as a statesman, who can contemplate the past, see the present and glance into the future, has questioned the wisdom of that policy.

I am very well aware that latterly it has been suggested, by Mr. Wickersham in his argument in the Supreme Court, that when our fathers adopted this policy they were ignorant of the existence of the great populations that lie over yonder in the hoary, gray east. But gentlemen, they were not so ignorant as this argument supposes. Anyone who has read the works of John Adams, anyone familiar with Hamilton or Franklin or the great Judge Wilson whom I mentioned, or others whom I could mention of those fifty-odd men who met in Philadelphia and framed our Government must come to know that they were historians, and were quite well aware that there was the great Continent of Asia and that it was vastly populated as it is to-day. But they conceived that there was a type of civilization peculiar to western Europe. They, as you and I, and races of western Europe, belonged to the Aryan branch of the human family. They were Caucasians, Anglo-Saxons. If it be that humanity came down over the Himalayas to settle ultimately in the rich fertile valleys of the Euphrates and the Tigris, in what was, speaking broadly, ancient Mesopotamia, or the earlier Chaldea or Turania, at any

rate, we know that one branch of the human family flowed off to the east and that another branch of the human family flowed to the west, down around into Egypt, ultimately into ancient Greece, and on to the west. So that the stream of the human family divided, one branch flowing to the east, the other to the west.

We belong therefore to the Aryan branch of the human family, to the Caucasian branch, to the Anglo-Saxon branch, and we have developed through the centuries a capacity for self-government, a capacity for organized government, for representative government, for a republic, carrying into and through it what we may call the democratic idea, a people who make their own laws, who interpret their own laws, who execute their own laws. Wisely and knowingly this naturalization-citizenship policy of ours which was adopted in 1790, has continued on down through the century and has limited citizenship to the races I have mentioned, with the exception of those of African descent, and excluded all other races. We stand for that policy. Who would abandon it? In harmony with this naturalization-citizenship policy we would exclude aliens ineligible to citizenship, and for reasons manifest and convincing.

Reference has been made to the race problems which we now have. It is even so; we have had great race problems. One of the greatest race problems which we have had and which we still have grows out of the presence in America of some ten or eleven, probably twelve millions of negroes, either of the pure negro type or of the hybrid type, due to intermarriage. I merely allude to that problem in brief. I said a quarter of a century ago and I say to you now, and I shall say to the Senate, that remembering the tragedy which came very near wrecking this republic, having regard to all that has passed, it would have been better if the negro had never landed at Jamestown, the same year, if I remember—

Senator SHIELDS (interposing). You mean at Plymouth Rock. There is where he came in. He came in up there and came down to the South.

Senator SHORTRIDGE. No, Senator; I am historically correct when I say—

Senator SHIELDS. Read your history again. The negro was brought to England and was found unprofitable, and then he was brought to the South.

Senator SHORTRIDGE. The first slaves brought to America were brought to Jamestown, and it happened to be the same year that the Pilgrims landed at Plymouth Rock. You will find that historically correct, and sympathizing with you with my whole heart, I say, as bearing on this new race problem, it would have been better if the negro had never been brought to America.

That race problem then was, as it were, as a man's hand in the sky, a little cloud. But we know how it grew, and we know the sorrow it caused. We know, as the Senator from Tennessee knows, that our fathers deplored it. The South more than any other section deplored it. And the great Thomas Jefferson, in the draft of the Declaration of Independence, inveighed against and indicted England for furthering and encouraging that migration to America.

The CHAIRMAN. Senator Shortridge, there is no question before this committee with regard to naturalization, or as to enlarging our present naturalization laws.

Senator SHORTRIDGE. I appreciate that.

The CHAIRMAN. That is not the question before the committee.

Senator SHORTRIDGE. Yes, Senator, and I have been indulging in too many words, possibly, but I say that if the right to come here is placed upon the quota basis, it is the entering wedge in a problem which affects and threatens the national policy as to naturalization.

The CHAIRMAN. That is the very problem.

Senator SHORTRIDGE. I so observed that. It is not a rhetorical expression, but it seems to me that it would have been better if Eli Whitney had not been born, because this great fertile southland, made up of so many splendid men and noble women, so honorably connected with our history, would have been better off without the race problem his invention developed. We see the problem they have to deal with. We appreciate it. Sometimes we differ as to the way to deal with it, but we deal with it. That burden is there. That problem is there, an economic problem, a social problem, a political problem; and, Senators, what I am urging here—

Senator SHIELDS. You, I suppose, are appearing here on the Japanese question.

Senator SHORTRIDGE. Yes, Senator.

Senator SHIELDS. If you will show us how you can get along with the Japanese in California, as well as the whites and the negroes in the South, who are working out their own problems for themselves and are doing it successfully to the benefit of both races, when not interfered with by other sections, then there would be some chance for the Japanese to come here. I am not very favorable to them now, but do not make any parallel with the South about it. We want the negro there. We are treating him fairly and justly, and he is doing better there than he ever did in the history of the world. He is better civilized, better educated, has more protection under the law, and in every way. That is more than you are doing for the Japanese. Let us hear what you can do for the Japanese. We have had enough of this negro question and enough advice about it in the South, and there is no immigration question as to the negroes to the South.

Senator SHORTRIDGE. Well, Senator, hasn't it been a problem with you?

Senator SHIELDS. And we are solving it, and have solved it, and we are getting along fine now. Both races are dwelling together in harmony and unity, as well as two races can, and prospering.

Senator SHORTRIDGE. Well, that is a very happy solution, if you have solved it, and I trust you have, and I will proceed then to say that we do not wish to introduce into this country another race problem. I so term it. And, therefore, we of the West are standing in opposition to oriental immigration and we are asking in this bill for the exclusion of all aliens ineligible to citizenship.

Senator SHIELDS. I want to act sensibly on this. How many people have you got in California, about 3,000,000?

Senator SHORTRIDGE. We have nearly 4,000,000.

Senator SHIELDS. And you have about 80,000 Japanese?

Senator SHORTRIDGE. We claim fully 100,000.

Senator SHIELDS. Are those Japanese stronger than the 4,000,000 whites there, and are they running your country? Are they a menace to you? Let us get down to that. What is the real question in regard to this?

Senator SHORTRIDGE. I will get down to it.

Senator SHIELDS. What is the real question with regard to this Japanese immigration?

Senator SHORTRIDGE. Our opposition to this immigration is, first: We ought not to admit into this country any peoples, with certain exceptions, who are ineligible to citizenship. That is an immigration policy which is in harmony with our naturalization policy, adopted in 1790. The naturalization act of 1790 limited those who could become citizens, and that has excluded fully one-half, and perhaps more than one-half, of the whole human family, all the great oriental population. That has been our policy and we seek to continue it, and we believe, Senator, it is unwise, and I think you will agree with me, that we should not admit into this country vast masses of peoples who never can become citizens.

Our opposition to oriental immigration is based on another ground. We are objecting on the economic grounds. Their standard of life and living is such that our people, the American family with father, mother, and children, with churches and schools, can not successfully compete with them, and the result is, they drive out our own people. They colonize and live apart. They settle in masses in the fertile sections and acquire control over the labor of that immediate section.

Latterly, as you know, the Supreme Court has held that our State laws in respect to the ownership and leasing of agricultural lands are perfectly constitutional. Our contention was, and it is involved in this discussion here, that an alien had only those rights which are affirmatively set down in a given treaty, and that the treaty of 1911 between our country and Japan, for example, did not give the right to own or lease agricultural land. That law was questioned, and it went through the courts up to the Supreme Court, and resulted in a decision which must be of great comfort to all men who believe as I believe, that there are many reserved rights of the States, and one of those reserved rights is the right to determine who shall own and cultivate its land.

The Supreme Court decided that the Alien Japanese could not own agricultural land; second, that they could not enter into leases for a term of years; and third, that they could not circumvent and defeat the law by certain crop contracts, which were declared to be illegal.

This exclusion provision in the immigration bill does not apply alone to the Japanese. It applies to all those races not eligible to citizenship. But since Japan is the only nation that has objected or protested against this legislation, our attention, of course, is necessarily called to the Japanese, and therefore we are opposing them because of economic reasons and because of the noncitizenship quality of this immigration.

Senator Phelan, Mr. McClatchy, and Attorney General Webb discussed this provision in the bill, and as I said before the Senators from Tennessee and Utah came in, they have covered the field so

fully that it will not be necessary for me to go into details. Answering a question put to me a moment ago, there is a dispute as to the number of Japanese in California. The Federal census gives some seventy-odd thousand. The Japanese authorities admit eighty-odd thousand. We claim there are over 100,000 Japanese in California.

The CHAIRMAN. Senator Shortridge, isn't this the first time in the history of this country since the adoption of the Constitution 135 years ago that it has ever been proposed that we should limit immigration to those who might become citizens? I don't want to get confused in my mind between the immigrant status and the citizen status.

Senator SHORTRIDGE. No; it is not the first time, Senator. We excluded the Chinese by legislative act.

The CHAIRMAN. I know we did.

Senator SHORTRIDGE. It might not have been upon the ground of ineligibility to citizenship.

The CHAIRMAN. That is an immigration problem.

Senator SHORTRIDGE. I grant you it might not have been upon that ground, the ground of their ineligibility to citizenship. I am not familiar with any debate that grounded Chinese exclusion on the proposition of noncitizenship.

The CHAIRMAN. You are resting on the broad proposition that we should admit nobody here as an immigrant who can not become a citizen?

Senator SHORTRIDGE. Yes; with certain specified exceptions.

The CHAIRMAN. What I want to say is that that is a new policy so far as the United States is concerned.

Senator SHORTRIDGE. Yes, Senator. It is the application of a century-old policy that certain races were not eligible to citizenship.

The CHAIRMAN. I am aware of that.

Senator SHIELDS. I think you might say further, if it is the first time such a policy has been advocated in this country, it is only in late years that such a policy was called for.

Senator SHORTRIDGE. Yes.

Senator SHIELDS. And in the early days we sought immigration to populate and to improve the great West. We were not particular about the class of immigrants. We got a very fine class and they came here to go to the West, clear up those forests and open the mines and become citizens, and they did become citizens. But there has been a marked change in immigration and there is such a thing in all matters, including immigration, of getting enough of a good thing, and we have got about enough of it, and we have got to have some time to assimilate the dose and digest the stomach full we have got. Those are questions which call for this policy of citizenship or anything else that tends to restrict immigration for a while, at least. I think it is very well—you can argue that question of citizenship under those conditions, in the light of facts.

Senator SHORTRIDGE. Your mind runs in the same channel as mine, Senator.

Senator SHIELDS. I want to say this is nothing new. It has happened in other countries, that they thought they were getting too many. A conquest can be made not only in war, but in peace. Scotland is alarmed, I see recently, by the Irish immigration. No doubt.

the Japanese think they are improving California by sending so many over there, and if you leave it to me, I think the Irish would improve Scotland, but the Scotch are very much opposed to it.

Senator SHORTRIDGE. For example, there was no objection to the Chinese away back in the early days, but there came a time when there was a unanimity of sentiment against their further coming, and hence Congress, as you know, passed the Chinese Exclusion Act, and it exercised that power of controlling immigration without consulting China, and, indeed, without giving any just offense to China, for the right to regulate immigration is a recognized right, the recognized right of every independent sovereign nation, and my broad proposition is, and I have stated it, and I propose to state it here and elsewhere, everywhere, and at all times, that this Nation can regulate the matter of immigration without consulting other nations and without giving just offense to other nations.

That right has been recently recognized. It has been formally recognized here within a year, not only by European nations, but by the Asiatic nations, and particularly by Japan.

Time was when we reached out our arms and welcomed here all the races of man, but the time has come, the time is here, when we must close, either wholly or partly, the doors of the Atlantic, and I think we should close the doors of the Pacific to the coming of Asiatic immigration, with the exceptions which appear in this bill, such as merchants admitted under present treaties of commerce, students, travellers, ministers of their religion, and those temporarily absent. There are certain nonquota subjects which should be admitted. There are certain exceptions to the immigrant clause. We have a perfect right to thus legislate. It is not an offense to any other nation to do so. Just as Japan, without considering China, has excluded the Chinese; just as she has excluded the Koreans, though dominating over them; so we, not because of our power, not because we are claiming to be superior, but in the exercise of our admitted right, and for our own benefit as we conceive it, may exclude certain peoples, and neither Japan nor China nor Siam nor any of the Strait Settlements, nor any of the peoples of the earth have any just cause to complain of our actions.

I have always maintained the position, and I submit it to the learning of the lawyers here, that the treaty-making power has its limitations. The treaty-making power can not and should not be held to control the Congress in respect to legislation upon the subject of immigration. That has been declared in all books of law dealing with our Constitution, and it was admitted by the declaration accompanying the ratification of the four-power treaty which was the result of the late great conference here. Not to take too much time, many documents or statements of facts and figures which I can not submit to you in person orally I will ask the privilege of incorporating in my remarks, to be a part of the record here.

Senator REED of Pennsylvania. May I interject a question?

Senator SHORTRIDGE. Yes, Senator.

Senator REED of Pennsylvania. If I correctly understand the attitude of the committee, there isn't in our minds the slightest doubt of our power to adopt this exclusion clause that appears in Mr. Johnson's bill. What the committee seems to desire light on principally is the advisability of adopting that policy, where it is shown

by the immigration report that in the last fiscal year our net increase of immigration was only 399 Japanese. The question is whether the quota law would not be simply an additional bar to the bar thatis at present set up by the gentlemen's agreement.

Senator SHORTRIDGE. Yes.

Senator REED of Pennsylvania. And whether it is worth while, where we have been to such pains to show our friendly intentions to Japan by the disarmament treaty, and by what we were fortunately able to do in their behalf at the time of the earthquake, whether it is a wise thing to give this offense to a friendly government where the net increase of immigration is so small?

Senator SHORTRIDGE. Well, in the first place, I don't think we will give any offense; certainly, no just offense, and, secondly, as to the figures or statistics, Senator, we have said before, and we repeat, that there has been a steady, continuous increase in the Japanese population in California. That has been due to those who come and to the births.

Senator REED of Pennsylvania. It is not within our power to stop the births, Senator.

Senator SHORTRIDGE. Oh, certainly not; and we are dealing with a concrete situation, which is as I have stated. What their comings and goings may show—whether for a given six months or a given year there might be a net increase or a net decrease—I am not concerned with that. We are concerned, and you are, with the ultimate conclusion. Has there been a falling off in the population as was contemplated by President Roosevelt as of the time of entering into the gentlemen's agreement, or has there been, as a matter of fact, a steady increase due to those who come under the terms of the agreement, to those who have smuggled themselves in, and to births?

The CHAIRMAN. Senator Shortridge, what Senator Reed has asked is a question that is, I might say, troubling the committee; in other words, the question whether to extend the quota laws to the Japanese. Let us look at the present law. The present law puts in the nonquota class aliens from countries immigration from which is regulated in accordance with treaties or agreements relating to immigration.

Senator SHORTRIDGE. That refers to this Japanese agreement.

The CHAIRMAN. That is the present law; the gentlemen's agreement and the treaties; immigrants admitted under the treaties.

Senator SHORTRIDGE. Certainly.

The CHAIRMAN. Because, while you have in the nonquota classes those coming in here temporarily for the purpose of business or travel, the Secretary of State says that that provision is not broad enough to cover our commercial treaties with Norway and Sweden, etc. I have a letter from the Secretary this morning in which he says that he does hope we will put in the nonquota class aliens from countries immigration from which is regulated in accordance with treaties.

Now, I understand that the objections of California to putting Japan upon the quota class would be this: That it would in effect—and when I say the quota class I mean immigration as applied to Europe—put Japan upon an equality with Europe, a racial equality with Europe, and that, you argue, would be the entering wedge which might lead finally to the breaking down of the citizenship

law and admitting the Japanese to citizenship. Isn't that your argument?

Senator SHORTRIDGE. It is, as was presented yesterday by Senator Phelan.

The CHAIRMAN. But I would be very glad, and I know the committee would be glad, if you would just tell the reason why you object to putting Japan in the quota class, which the Secretary of State evidently suggests.

Senator SHORTRIDGE. Yes; there has been a suggestion, there has been a statement—perhaps coming to this committee; I have heard it in many places—that the treaty-making power could solve this problem. I repeat myself when I say that there are limitations to the treaty-making power and that Congress ought not to abdicate its power to control the subject of immigration, which is a domestic question. It is a question over which Congress, meaning both Houses and the President, has control, and that it is not offensive to a foreign nation when the Congress of the United States legislates upon this subject.

That is what I want to leave with the committee.

Now, we have a treaty with Japan, the treaty of 1911. Anterior to that we had what was called the gentlemen's agreement. Of course, it was not a treaty. Of course, in the legal sense, it had no validity, but it was an understanding, an arrangement, entered into through the President and the representatives of Japan to control, in a measure, this question of the immigration of the Japanese into the United States.

Now, I am necessarily repeating here what has been said again and yet again, when I say that President Roosevelt thought, and if the other party to the agreement was candid, he thought that that agreement would result in the gradual diminution of Japanese in the State of California. There is every evidence of that. I won't take up your time to read it, but it is here in the autobiography of President Roosevelt; it is evidenced by correspondence, by contemporaneous statements of newspapers, by telegrams from the President to our State legislature at Sacramento, and nobody is warranted in doubting that this Government, speaking through the President, entered into that understanding, at the time, in the firm belief that if the agreement were carried out in good faith there would be a gradual diminution, falling off, of the population of Japanese in California. Now, that is a fact.

Coming back to the thought thrown out by Senator Reed, the result has been just the contrary. There has been a steady, continuous increase in that population, made up very largely by the bringing in of women under the so-called picture-bride process, and since then increased by the bringing in of women under new schemes of marriage. A man, resident in California, makes a hasty trip to Japan, there selects or has selected for him a wife, and returns to California speedily with his wife, and, of course, from that union there come children. So that we ought not to get into any controversy over the fundamental facts. Now, whether it is wise that that should be so, that is the problem.

The CHAIRMAN. Senator Shortridge, the White House has called you, I am informed, by telephone, four times. They know you are

appearing before this committee. If you wish, we will take a five-minute recess.

(At this point a recess of five minutes was taken, at the conclusion of which the following occurred:)

The CHAIRMAN. You may continue, Senator Shortridge.

Senator SHORTRIDGE. The fact is that there has been this steady increase in population of Japanese in California due to the reasons stated, and in that respect it has been a defeating of the very purpose of the gentlemen's agreement. It has been pointed out again and again, and it ought to be accepted as the fact.

Now, we understand what the gentlemen's agreement was; that is, in its general scope and purpose. Whether it was ever reduced to a formal agreement, whether it was made up of written notes, or in part oral understanding, we do not know; all vague and uncertain; but we have all agreed, everybody has agreed, that the purpose of it was as stated. And that purpose has been defeated. Hence, the increased agitation, the increased friction, and hence we are brought to the present situation.

Now, the thing that has disturbed many minds, and I am sure has your earnest attention is this: Whether we, having the power and having the acknowledged right to exercise the power to control immigration, should do so by statute regulation or by way of treaty arrangement.

Now, I have said, and with great deference to others I maintain, that the treaty-making power is not all-comprehensive, and that it does not take in this domestic national question, over which the Congress has complete control. I must assume that foreign statesmen are familiar with our form of government and therefore when, at the conclusion of the late great conference and the entering into of this four-power treaty, that accompanying declaration was signed; it was a recognition by all these nations that a domestic question such as this is within the control of the individual nation. Therefore I can not see why China, Japan, or any other foreign country should find fault with us if we adopt a policy which we think is for our national benefit.

Let me emphasize that the gentlemen's agreement was before the treaty of 1911, and in that accompanying note of Japan she said that she would continue to observe this gentlemen's agreement. The treaty is before you. It sets no limit upon the number who may come. It is very indefinite or uncertain as to numbers.

The CHAIRMAN. You mean the treaty?

Senator SHORTRIDGE. Yes; the treaty of 1911.

The CHAIRMAN. Well, Senator Shortridge, these commercial or trade treaties deal with persons who are not immigrants, according to the ordinary acceptance of that term.

Senator SHORTRIDGE. I agree with you, Senator.

The CHAIRMAN. An immigrant is a person who comes here to stay permanently. A trade agreement deals with traders who may stay here a more or less lengthy time.

Senator SHORTRIDGE. Please observe the particular terms of this treaty.

ARTICLE I. The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territory of the other, to carry on trade, wholesale and retail, to own and lease and occupy houses.

manufactories, warehouses, and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting them to the laws and regulations there established.

The CHAIRMAN. You claim that that is beyond the treaty-making power of the United States?

Senator SHORTRIDGE. No; I do not, but I claim that it does not prevent Congress in the legitimate exercise of its legitimate power to modify, add to, or take away.

The CHAIRMAN. Very well. You have the power to build a spite fence, but you don't always do it. I concede the power. There is no question about the power.

Senator SHORTRIDGE. All right. The point is this, Senator. It was feared that that treaty was too broad and that it would permit an unlimited number of Japanese to enter America. Therefore, accompanying this treaty was this declaration which it might be well to read.

In proceeding this day to the signature of the treaty of commerce and navigation between Japan and the United States the undersigned Japanese ambassador in Washington, duly authorized by his Government, has the honor to declare that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the immigration of laborers to the United States.

That is signed February 21, 1911.

I am not criticizing; I am merely stating that this treaty, as drafted, was charged with great danger from our point of view, and that it was deemed at least prudent to have Japan make this declaration in regard to the so-called gentlemen's agreement.

Now, we say, assuming that that declaration was correct, namely, that they had effectively carried out the gentlemen's agreement of 1907-8—assuming that, we know that whether willingly or unwillingly, consciously or unconsciously, the purpose of that gentlemen's agreement has not been carried out, and there has been this steady increase of this undesirable population or people.

The CHAIRMAN. Has Japan ever issued any passports to laborers under the gentlemen's agreement?

Senator SHORTRIDGE. Well, I maintain that she has. I maintain that under the guise of students they come here and at once change from the status of a student into that of a laborer.

The CHAIRMAN. Doesn't the weakness of the gentlemen's agreement lie in the fact that it specifically provides for the admission of the wives and children of the laborers, and has not that been the cause of the increase in the population?

Senator SHORTRIDGE. Yes; Senator. The number that has come in under the guise of wives has been stated, and, of course, to that extent, it was violative of the very purpose, the dominating purpose of President Roosevelt and of the gentlemen and statesmen of that year—1907 and 1908.

Senator REED of Pennsylvania. Senator Shortridge, you realize that under the bill the committee has before it, all such wives would be within the quota law. There are no exceptions such as that. The immigration last year from Japan was a gross total of 5,600. That is cut down 90 per cent by this law we have before us now.

Senator SHORTRIDGE. Let me ask this question: Will this act, along the lines suggested, nullify the gentlemen's agreement?

Senator REED of Pennsylvania. No; it will simply be an additional limitation.

Senator SHORTRIDGE. That is the contention. Well, my contention is that by enacting a law excluding all aliens ineligible to citizenship, with the exceptions which the Johnson bill contains, will not be violative, indeed, of the true intent and purpose of the gentlemen's agreement—that is to say, the number who can come in here now under the gentlemen's agreement, if carried out, is very limited. We admit under this bill students; we admit ministers; we admit those who were here of right and temporarily absent. There is a certain nonquota class, and so, for trade purposes, we are not materially modifying the 1911 statute, so far as trade is concerned and so far as commerce is concerned.

Senator REED of Pennsylvania. Senator, I don't want to interrupt you too much, but I would like to have you understand the difference. Under the Johnson bill the Japanese wives of American citizens of Japanese birth would be admitted regardless of quota.

Senator SHORTRIDGE. Yes.

Senator REED of Pennsylvania. Regardless of the exclusion clause.

Senator SHORTRIDGE. Yes.

Senator REED of Pennsylvania. Under the bill before the Senate committee those persons would all be under the quota limitations. Practically, the number of Japanese admissions under the Johnson bill will be considerably in excess of the number admitted under the Senate bill. The difference is that the Johnson bill declares this principle of exclusion and the Senate bill does not.

Senator SHORTRIDGE. Yes.

Senator HARRISON. I have been unable to hear all your proposition. In view of this explanation by Senator Reed, how do you want this Senate bill changed?

Senator SHORTRIDGE. Well, answering broadly, we want to fall back and stand upon the provisions of the Johnson bill. The Johnson bill speaks of those not classed as immigrants, such as a government official, his family, servants, attendants, employees, and aliens visiting the United States as tourists or temporarily for business or pleasure, an alien in continuous transit through the United States, an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, a bona fide alien seamen serving as such on a vessel arriving at a port of the United States, and seeking temporarily to enter the United States solely in pursuance of his calling as a seaman.

Those are not treated as immigrants.

Now, the Johnson bill further speaks of the nonquota immigrants, and they are as follows:

An immigrant who is an unmarried child under eighteen years of age, father or mother over sixty-five years of age, husband or wife of a citizen of the United States, be he an immigrant previously lawfully admitted to the United States who is returning from a temporary visit abroad, an immigrant who had resided at least ten years immediately preceding the time of his admission to the United States in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, or the republics of South America or adjacent islands, and his wife and unmarried children under 18 years of age, if accom-

panying or following to join him, an immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of any religious denomination, a professor of a college, seminary, academy or university, and further an immigrant who is a skilled laborer, if labor of like kind, unemployed, can not be found in this country; further, the wife or the unmarried child under eleven years of age of an immigrant admissible as minister, professor or skilled laborer, and finally an immigrant who is a bona fide student over eighteen years of age.

Now, with the immigrants which under this bill are not classed as such, with the nonquota immigrants, with all these exceptions, I undertake to say that not Japan nor England nor any other nation would have any just cause to complain of us, and therefore I am sick and weary—

The CHAIRMAN (interposing). Senator Shortridge, you have not called attention to the important section of the Johnson bill, which is section 12:

No alien ineligible to citizenship shall be admitted to the United States, unless such alien is admissible as a nonquota immigrant,

under the provisions of several sections which would not admit. It is an absolute exclusion of the admission of any Japanese under the nonquota, except under sections C, D, and E.

Senator SHORTRIDGE. I was responding to the question as to whether we want to stand on the Johnson bill. We are particularly concerned with the section to which you have now called my attention, and to which I called the attention of the committee at the outset, standing on the broad proposition that we do not think it desirable to admit into the United States for purpose of permanent residence a class of citizens who may never become citizens of the United States. That is my notion of public policy, and that has been our public policy from 1790 with respect to naturalization. Therefore, we think we should exclude that type of man and woman from America, with these generous exceptions, which, if taken advantage of by the alien people, would be of benefit to them. We have in California, and will always have, a certain number of Japanese, even if the gates were locked now. We propose to give them all their rights under the Constitution and the laws. Therefore, we propose to admit their ministers. We are willing to admit any number of students from that ancient empire and let them enter our academies, our schools, our universities. There is no exclusion of them. They may come and gather such of our wisdom as they may and carry it back to their native land. But we stand irrevocably opposed to the immigration of that type of people—and we are not limiting our opposition to the Japanese, though we are forced to address ourselves immediately to that empire. China is excluded and all the other races which have been mentioned again and yet again.

Now, I wish to call the attention of this committee to the fact that the public policy of a State is not represented by an individual chamber of commerce, or, if you please, by any individual group of most worthy citizens. The public policy of a State is found in its statutes, in its formal legislative declarations, and I think it is well to bear that in mind. I took the liberty of saying at the opening of this hearing that I was speaking the mature, deliberate judgment of the people of California, and I thought I could add of Oregon, Wash-

ington, and other western States. I know I did speak the mature judgment of the American Legion, the American Federation of Labor, and the National Grange, and of our State Native Sons organization. I know that I speak the sentiment of many other bodies, but I wish to call the committee's attention to the fact that on May 18, 1923, the Legislature of California adopted this resolution which is spread upon the records of the senate:

Whereas the continued admission of undesirable immigrants into the United States under the operation of our present laws, taken in connection with the vast number of nonnaturalized, nonassimilated persons heretofore admitted through lax laws and lax administration of our immigration laws, constitutes a vital and growing menace to American institutions and American ideals; and

Whereas, obviously the admission as immigrants of aliens who under our laws are ineligible to citizenship must create in our midst communities of non-assimilables having interests and ideals of their own, and affording more or less of danger to American institutions and citizenship: Therefore, be it

Resolved by the Senate, in assembly jointly, That the Legislature of the State of California hereby memorializes the Congress of the United States to so amend the present laws as to prohibit absolutely the entrance as immigrants or permanent residents of all aliens ineligible to citizenship; and be it further

Resolved, That the secretary of the senate be, and is hereby, authorized to transmit copies of this resolution to the president of the senate and speaker of the house of each State legislature now in session.

Now, since yesterday I received this telegram, prompted, as you will see, by the telegram which came to the committee from our chamber of commerce, concerning which I will add a word. This is a telegram I received this morning from Mr. Morgan Keaton, the department adjutant of the American Legion. By your leave I will read it:

Sentiment expressed in recent telegram to Senate Immigration Committee by San Francisco Chamber of Commerce does not express views of large majority of rank and file citizens of San Francisco and Pacific coast. Telegram sent without authority of referendum to members of chamber itself. My contact with great patriotic people of San Francisco convinces me that we are all in one accord in desiring total exclusion of all immigrants ineligible to citizenship, and inasmuch as treaty excluding has not given us relief—

We are dealing now with the situation; these people want congressional action on this legislation which, after all, is a domestic question which lies within the sphere of the National Congress rather than executive functions of this great country—

California American Legion, American Federation of Labor, Native Sons of the Golden West, together with the State Grange, through their contact with people of this coast know that they speak the views of the overwhelming majority of the people of this State, which is also the majority of Pacific coast States, in asking that Congress now, once and for all time, settle this matter by passing an act excluding all aliens ineligible to citizenship without equivocation or fear of canceling financial contracts held by certain of our business firms. It is primarily an Americanization question and demands the support of patriotic people all over this Nation.

Let me add this, recurring to the telegram sent by our chamber of commerce, of which a number of us are members. I invite your attention to the fact that the chamber of commerce agrees with the position we have taken here as to the desirability of excluding this class. Their only difference of opinion is as to the method by which that end can be achieved.

The CHAIRMAN. Exactly, and that is the question before this committee.

Senator SHORTRIDGE. That is a grave and important question.

The CHAIRMAN. And is the only question, Senator.

Senator SHORTRIDGE. I am glad to have you say so, because, not to detain ourselves longer, or to multiply words, I do believe that every thoughtful member of this committee, and that includes them all, will upon reflection come to the fixed conclusion that it would be wise for our country to check and stop this type of immigration. We of the West are united on that proposition. With us it is not a partisan question. We stand together, Republicans and Democrats, and there is no division among us.

Now, the thought I wish to leave with you now, perhaps supplementing my remarks later by putting in a written statement—

The CHAIRMAN (interposing). If you will.

Senator SHORTRIDGE (continuing). In this, I have, I hope, as fine a regard for international obligations and proprieties as others. I do not wish my country to do an ungracious or an unwise, or even an impolite thing. Because we are powerful and fear no nation, I do not wish to trample upon the sensibilities of a most courteous and chivalrous people or to ignore or disregard our treaty obligations. Not at all. But, what I maintain is that in the exercise of our sovereignty, under our form of Government, we are giving no offense, incurring no offense by this proposed legislation.

The CHAIRMAN. Now, wait—

Senator SHORTRIDGE. That is my position.

The CHAIRMAN. I know it is, but there is another side. We have a treaty and have a "gentlemen's agreement." Shall we break those by statute? Or shall we follow the suggestion of the Chamber of Commerce of San Francisco, to treat with Japan in order that if there are any abuses under the "gentlemen's agreement" or if the treaties are too broad, she herself may help to correct them? Supposing we shall say that we will try diplomacy first. Suppose we try diplomacy first with Roosevelt's understanding, that if diplomacy did not succeed, then we would be warranted in exercising this legal, statutory power. Of course, we have the power. That is the only question, as it lies in my mind.

Senator SHORTRIDGE. Yes, Senator; but note that when we entered into the 1911 treaty, that treaty by this "gentlemen's agreement" was modified. Japan recognized that by an informal agreement we could modify a formal treaty. But the "gentlemen's agreement" was entered into with the further understanding that if it did not achieve the end that all were supposed to have in view, we might exercise our right to legislate on the subject. The "gentlemen's agreement" having failed of its purpose, we are not justly offending anybody when we exercise that right. Nor are we acting contrary to precedent by now changing some existing law, treating this "gentlemen's agreement" as a law—which it is not.

The CHAIRMAN. Now, Senator Shortridge, I want to interrupt you again. Suppose you and I have a contract with each other. That is all a treaty is, a contract between nations. You and I have a contract. I have got the power to modify or abrogate it. Do you think it is fair for me, having the power, to do it without first consulting you?

Senator SHORTRIDGE. As stated that way, of course not. But if along with the agreement there is the understanding that you may do so without my assent, then you have the power plus the right to do so, and we did it in respect to China. I am not now saying that

merely because we did pass a given act it is a precedent to be followed, but we exercised the power of legislation in the passage of the Chinese exclusion law while a treaty was in existence. In effect we did the same thing in denouncing the treaty with Russia.

The CHAIRMAN. We had no treaty with China. If we had no treaty with Japan and no "gentlemen's agreement" and it came before us as an abstract question, I would of course exclude Japan.

Senator SHORTRIDGE. I beg the Senator's pardon. When the passage of the exclusion law as to China was under consideration, there sprung up a great question which had to be determined by the Supreme Court of the United States, and that was, whether a statute passed subsequent to a treaty modified or annulled the treaty. That was discussed by me in California as of that time.

The CHAIRMAN. I may be in error. We may have had a treaty with China.

Senator SHORTRIDGE. Yes; I know there was. I remember well a great meeting in San Francisco when that question was discussed.

The CHAIRMAN. But there is no question now but what a statute modifies a treaty or abolishes it. We are sovereign in that matter.

Senator SHORTRIDGE. Yes, there is no doubt as to the law or as to our constitutional power. I am about through. I have not been able to present the matter as fully or as worthily as I had hoped to do, but it has been ably stated by others and the committee understands the case. You understand our position. We desire to exclude a certain type of immigration into the United States, whether it comes to California or to New York. We want the national policy with respect to citizenship, which runs back to 1790, with the exception of the amendment of that law after the Civil War, to be continued, and we know, as was pointed out to the committee yesterday, that there is an insistent effort being made to break down that policy.

The CHAIRMAN. There is no question about it.

Senator SHORTRIDGE. There was an effort recently made, which was defeated by the Supreme Court of the United States, to have it established that a Japanese is eligible to citizenship under existing laws. The great opinion, prepared by Mr. Justice Sutherland, recently handed down, settled that question. That being so, that being our national policy which we hope to have continued, we do not think it wise to introduce into our Nation a class of aliens who may never become citizens.

Nor do we think it wise policy to admit a class who will breed children who will owe allegiance to the United States and to their parents' native country. That, in time of peace, is not desirable; that, in time of war, is charged with great danger. From an economic standpoint, from a social standpoint, from a political standpoint, from a California standpoint, from a national standpoint, we think that we should not depart from our policy as to naturalization and that we should adopt a policy of exclusion of races ineligible to citizenship, so that the two policies would be in harmony.

I think I can show that the adoption of such exclusion policy by congressional act we will not be violating any treaty obligations. We will not be giving just offense to any nation. We will be doing in respect of one-half of the human races no more than this par-

ticular protesting nation has done and is doing. Japan exercises this right and excludes such races or peoples as she thinks are or will be inimical to her interests—and nobody protests.

The CHAIRMAN. Did you say you would file a statement, Senator?

Senator SHORTRIDGE. Yes, if you will permit me. Or I may decide that it will be better to express our views in the Senate when you have reported the bill.

Senator REED of Pennsylvania. Mr. Chairman, may I make a statement on behalf of Doctor Gulick—

The CHAIRMAN. Certainly.

Senator REED of Pennsylvania (continuing). Who was mentioned the other day in the address of one of the witnesses and was charged with being in this country the representative of the Japanese Government. Doctor Gulick has asked me to say for the record that he is not and has not been employed by the Japanese Government, that he is not and has not been their representative, and is in no sense acting for them.

May I also request the chairman of the committee to put into the record the telegram received from Mr. John D. Rockefeller, jr.?

The CHAIRMAN. Yes; I was going to put that in the record.

(The Rockefeller telegram is as follows:)

NEW YORK, N. Y., *March 12, 1924.*

HON. LEBARON B. COLT,

Chairman Committee on Immigration,

United States Senate, Washington, D. C.:

No pressure exerted by racial groups or from abroad or from any action of our business interests should in my opinion deter Congress for a moment from passing a law restricting immigration on the basis of the 1890 census. I am assured it renders substantial justice in accordance with contributions to our population from old and new sources of supply. The descendants of the people who created the institutions under which we live need as much consideration as the latest arrival on our shores.

JOHN D. ROCKEFELLER, Jr.

(Certain additional telegrams received by the committee are here printed in full, by direction of the chairman, as follows:)

SAN FRANCISCO, CALIF., *March 13, 1924.*

CHAIRMAN COMMITTEE ON IMMIGRATION,

United States Senate, Washington, D. C.

Oriental Missions Council, representing all protestant denominations, and Home Missions Council earnestly protests passage discriminatory immigration legislation against orientals and denying citizenship to American born of oriental blood. Such legislation is uncalled for because Japanese birth rate is decreasing in California as per Bureau of Vital Statistics. The population per cent with whites is practically stationary. The American-born Chinese and Japanese are being largely assimilated. We represent a very large minority and especially Christian sentiment in State. No action should be taken now because a scientific joint survey is being made representing many organizations.

HERBERT B. JOHNSON, *Chairman.*

PETALUMA, CALIF., *March 18, 1924.*

LEBARON B. COLT,

Chairman Senate Immigration Committee, Washington, D. C.

California subordinates pomonas and State grange protest San Francisco Chamber of Commerce treaty preference over congressional act re ineligible aliens. Already 20 years of hesitating diplomacy in interest of commercialism have implanted in California an infusion of Asiatic blood a century will not eradicate nor assimilate. That American rural homes shall be preserved and

that the West shall not be paganized. Grange insists retention of ineligible cause in immigration bill now at this opportune time.

C. A. BODWELL,
(For State Master George R. Harrison.)

SAN FRANCISCO, CALIF., March 15, 1924.

LEBARON B. COLT,
*Chairman Senate Committee Immigration, Senate Chamber,
Washington, D. C.*

Representatives of 28 organizations composed of native Californians at meeting here last night protested against recommendation of San Francisco Chamber of Commerce that matter of Oriental immigration be fixed by treaty and strongly urged that immediate legislation be enacted by Congress excluding all peoples ineligible to become American citizens. Public opinion in California is unanimous against further colonization by Japanese, and unless Congress acts to prevent further Oriental immigration the condition here may become critical. If matter left to treaty there will be evasion and subterfuge, resulting in constant friction. Matter should be settled at once by legislation.

EDWARD J. LYNCH,
Grand Vice President Native Sons of the Golden West.

(The subjoined letter from Mr. V. S. McClatchy, with accompanying data, is herewith printed in full:)

WASHINGTON, D. C., March 15, 1924.

HON. LEBARON B. COLT,
*Chairman of the Senate Immigration Committee,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: A telegram from Sidney L. Gulick to you as chairman of the Senate Immigration Committee, read at the hearing this morning, quoted L. E. Ross, register of vital statistics of the California State Board of Health, as contradicting my statement of his estimate of Japanese population in California, and quoting him as giving such population as 79,831.

Your committee has shown such courtesy and consideration to Attorney General Webb, ex-Senator Phelan, and myself in presenting the case of California in this matter before you, that I can not afford to leave the committee under the impression that I have misrepresented facts even in a small way, nor do I wish to rest under the imputation of making assertions on imperfect foundations.

Permit me to repeat that my estimate of 100,000 Japanese population of California is also the estimate of Mr. Ross; and in proof of that statement I inclose copy of his letter February 19 to me. The figures 79,831 are the census figures which Mr. Ross used in his various comparisons. These figures while official are confessedly wrong. Please note that Mr. Ross says, "I have made no estimate of the actual Japanese population since my former figure of 100,000."

Note also in section 78 of the brief prepared by me for consideration of the Department of State (copy herewith) that the California State Board of Health estimated the Japanese population of the State in 1919 as 96,000 and that Mr. Ross in an official bulletin, May 1920, wrote that estimates based on mortality and sex statistics, which had checked up in the case of other races, indicated a Japanese population of 109,000 including surreptitious entries.

Note in section 77 of the same brief that the estimate of the State Board of Control in 1920, corrected because of error in the basis adopted, would be exactly 100,000, not including surreptitious entries.

Since Mr. Gulick's charge is before the committee, will you kindly advise them of my vindication?

Please express to the members of the committee the appreciation of the Californians who presented the case of the State before the committee, because of the time allowed us by a very busy committee. Only our conviction of the grave importance of the subject, not only to the Pacific States, but to the nation as well, would justify us in taking up so much of the committee's valuable time.

Very sincerely yours,

V. S. McCLATCHY.

CALIFORNIA STATE BOARD OF HEALTH,
Sacramento, February 19, 1924.

Mr. V. S. McCLATCHY,
No. 910 Humboldt Bank Building,
San Francisco, Calif.

MY DEAR Mr. McCLATCHY: I have yours of February 15 and give below statement of Japanese and white births in Sacramento and Placer for 1922 and 1923. The 1923 is January to November. Returns incomplete.

	1922		1923	
	Japanese	White	Japanese	White
Sacramento, city.....	310	1,442	258	1,397
Sacramento, rural.....	252	273	250	268
Placer, rural.....	111	360	98	277

The population figures mentioned by you are those computed from the censuses of 1910 and 1920. These are the figures on which the Japanese birth rates are based. The rate for 1922 was 63.5, the actual number of births having been 5,066. The 1923 returns are not complete. Indications are however that there will be approximately 5,000 Japanese births.

I have made no estimate of the actual Japanese population since my former figure of 100,000. I understand that Japanese are leaving California in large numbers, but have no actual information with reference to the matter. We note however that there is increased activity in the matter of establishing fact of birth in the courts and filing birth certificates for Japanese children more than one year of age. Since the ruling of the Supreme Court with reference to the antialien land law, the necessity for proving citizenship is somewhat greater than was formerly the case. This may account for the increased court activity. If Japanese are in fact leaving the State this would also account for the registration of such births as were not registered when the children were born.

Yours very truly,

L. E. Ross,
State Registrar of Vital Statistics.

(The following letter from the administrative committee of the Federal Council of the Churches of Christ in America is herewith incorporated in the record:)

MARCH 15, 1924.

HON. LEBARON B. COLT,
Senate of the United States.

MY DEAR SENATOR COLT: The administrative committee of the Federal Council of the Churches of Christ in America, by unanimous vote, request that the Senate Committee on Immigration place on the record of its hearings in connection with Senator James D. Phelan's charges against Dr. Sidney L. Gulick, the following statement:

"In view of the fact that Senator Phelan charged that Doctor Gulick, who is one of the secretaries of the Federal Council, is an agent of Japan, and that he, Senator Phelan, insinuated that either directly or indirectly he, Doctor Gulick, is in the employ of Japan, the administrative committee of the Federal Council, on the basis of its intimate knowledge of all the facts in the case, declares—

"(1) That Doctor Gulick is in no way an agent either of Japan or of any group of Japanese in this country or in Japan.

"(2) That not one dollar of Doctor Gulick's salary or other remuneration comes from Japanese sources, either from individuals or from the Japanese Government, directly or indirectly.

"(3) That not one dollar toward the expenses of the Federal Council or of the Commission on International Justice and Goodwill has been received from Japanese sources."

On September 11, 1919, in reply to Senator Phelan's charges at that time, a statement similar to the above was made by the administrative committee and sent to Senator Phelan, but of this denial he has taken no notice.

Inasmuch as the insinuations and charges are absolutely false and without foundation, the administrative committee would suggest to the Senate Committee on Immigration the desirability of requesting Senator Phelan to submit proofs of his charges or to present his retraction and apology.

The interest of the Federal Council of Churches in the Japanese question is due to its concern in—

(1) The moral issues involved.

(2) The fair and honorable treatment of Japanese already lawfully in the United States.

(3) The Christian movement in Japan.

(4) The maintenance of permanent peace between America and Japan.

In these positions the Federal Council is supported by the repeated actions of its constituents denominational bodies.

Sincerely yours,

CHARLES S. MACFARLAND,
General Secretary.

On behalf of the the following members of the administrative committee who were present at the meeting on March 14, 1924:

The Rev. John M. Moore.

The Rev. Charles S. Macfarland.

The Rev. Samuel McCrea Cavert.

Mrs. John Ferguson.

Mr. Charles S. Crosman.

The Rev. Worth M. Tippy.

The Rev. William I. Haven.

Bishop James Cannon, jr.

The Rev. William Adams Brown.

Miss Mabel Cratty.

The Rev. Worth M. Tippy.

Dr. George E. Haynes.

The Rev. Rivington D. Lord.

The Rev. Charles E. Burton.

Mr. Alfred R. Kimball.

Mr. Robert H. Gardner.

The Rev. Alfred Williams Anthony.

The Rev. Harry E. Stocker.

The Rev. Harry R. Miles.

The Rev. F. Ernest Johnson.

The Rev. Rufus W. Miller.

The Rev. Augustus Steimle.

Mr. Arthur E. Hungerford.

The Rev. John A. Marquis.

The Rev. George R. Montgomery.

The Rev. I. W. Gowen.

Mr. Fennell P. Turner.

The Rev. Robert A. Ashworth.

(The following documents are herewith made a part of the record of these hearings:)

SO-CALLED GENTLEMEN'S AGREEMENT

DEPARTMENT OF STATE.

Washington, April 10, 1924.

HON. LEBARON B. COLT,
United States Senate.

SIR: I have the honor to inclose herewith for your consideration a copy of a note of April 10, in which, referring to the recent report of the Committee on Immigration and Naturalization of the House of Representatives (Report No. 350, March 24, 1924), the Japanese ambassador has taken occasion to state his Government's understanding of the purport of the so-called "gentlemen's agreement," and that Government's practice and purpose with respect to emigration from Japan to this country.

I also inclose a copy of my reply of to-day's date stating that the ambassador's statement of the essential points constituting the gentlemen's agreement corresponds with my own understanding of that arrangement.

I have the honor to be, sir,
Your obedient servant,

CHARLES E. HUGHES.

JAPANESE EMBASSY,
Washington, April 10, 1924.

SIR: In view of certain statements in the report of the House Committee on Immigration—Report No. 350, March 24, 1924—regarding the so-called gentlemen's agreement, some of which appear to be misleading, I may be allowed to state to you the purpose and substance of that agreement as it is understood and performed by my Government, which understanding and practice are, I believe, in accord with those of your Government on this subject.

The gentlemen's agreement is an understanding with the United States Government by which the Japanese Government voluntarily undertook to adopt and enforce certain administrative measures designed to check the emigration to the United States of Japanese laborers. It is in no way intended as a restriction on the sovereign right of the United States to regulate its immigration. This is shown by the fact that the existing immigration act of 1917, for instance, is applied to Japanese as to other aliens.

It was because of the fact that discriminatory immigration legislation on the part of the United States would naturally wound the national susceptibilities of the Japanese people that, after thorough but most friendly and frank discussions between the two Governments, the gentlemen's agreement was made for the purpose of relieving the United States from the possible unfortunate necessity of offending the natural pride of a friendly nation.

The Japanese Government have most scrupulously and faithfully carried out the terms of the agreement, as a self-imposed restriction, and are fully prepared to continue to do so, as officially announced at the time of the conclusion of the present treaty of commerce and navigation between Japan and the United States. In return the Japanese Government confidently trust that the United States Government will recommend, if necessary, to the Congress to refrain from resorting to a measure that would seriously wound the proper susceptibilities of the Japanese nation.

One object of the gentlemen's agreement is, as is pointed out above, to stop the emigration to the United States of all Japanese laborers other than those excepted in the agreement, which is embodied in a series of long and detailed correspondence between the two Governments, publication of which is not believed to serve any good purpose, but the essential terms and practice of which may be summed up as follows:

(1) The Japanese Government will not issue passports good for the continental United States to laborers, skilled or unskilled, except those previously domiciled in the United States, or parents, wives, or children under 20 years of age of such persons. The form of the passport is so designed as to omit no safeguard against forgery, and its issuance is governed by various rules of detail in order to prevent fraud.

The Japanese Government accepted the definition of "laborer" as given in the United States Executive order of April 8, 1907.

(2) Passports are to be issued by a limited number of specially authorized officials only, under close supervision of the foreign office, which has the supreme control of the matter and is equipped with the necessary staff for the administration of it. These officials shall make thorough investigation when application for passports is made by students, merchants, tourists, or the like, to ascertain whether the applicant is likely to become a laborer, and shall enforce the requirement that such person shall either be supplied with adequate means to insure the permanence of his status as such or that surety be given therefor. In case of any doubt as to whether such applicant is or is not entitled to a passport, the matter shall be referred to the foreign office for decision.

Passports to laborers previously domiciled in the United States will be issued only upon production of certificate from Japanese consular officers in the United States, and passports to the parents, wives, and children of such laborers will be issued only upon production of such consular certificate and of

duly certified copy of official registry of members of such laborer's family in Japan. Utmost circumspection is exercised to guard against fraud.

(3) Issuance of passports to so-called "picture brides" has been stopped by the Japanese Government since March 1, 1920, although it had not been prohibited under the terms of the gentlemen's agreement.

(4) Monthly statistics covering incoming and outgoing Japanese are exchanged between the American and Japanese Governments.

(5) Although the gentlemen's agreement is not applicable to the Hawaiian Islands, measures restricting issuance of passports for the islands are being enforced in substantially the same manner as those for the continental United States.

(6) The Japanese Government are further exercising strict control over emigration of Japanese laborers to foreign territories contiguous to the United States in order to prevent their surreptitious entry into the United States.

A more condensed substance of these terms is published in the annual report of the United States Commissioner General of Immigration for 1908, 1909, and 1910, on pages 125-126, 121, and 124-125, respectively.

As I stated above, the Japanese Government have been most faithfully observing the gentlemen's agreement in every detail of its terms, which fact is, I believe, well known to the United States Government. I may be permitted, in this connection, to call your attention to the official figures published in the annual reports of the United States Commissioner General of Immigration, showing the increase or decrease of Japanese population in the continental United States by immigration and emigration. According to these reports¹ in the years 1908-1923 the total numbers of Japanese admitted to and departed from the continental United States were, respectively, 120,317 and 111,636. In other words, the excess of those admitted over those departed was in 15 years only 8,681; that is to say, the annual average of 578. It is important to note that in these 8,681 are included not only those who are covered by the terms of the gentlemen's agreement but all other classes of Japanese, such as merchants, students, tourists, Government officials, etc. These figures collected by the United States immigration authorities, seem to me to show conclusively the successful operation of the gentlemen's agreement. Besides this there is, of course, the increase through birth of the Japanese population in the United States. This has nothing to do with either the gentlemen's agreement or the immigration laws.

I may add, in this connection, that if the proposition were whether it would not be desirable to amend or modify some of the terms of the agreement, the question would be different, and I personally believe that my Government would not be unwilling to discuss the matter with your Government, if such were its wishes.

Further, if I may speak frankly, at the risk of repeating what, under instructions from my Government, I have represented to you on former occasions, the mere fact that a certain clause, obviously aimed against Japanese as a nation, is introduced in the proposed immigration bill, in apparent disregard of the most sincere and friendly endeavors on the part of the Japanese Government to meet the needs and wishes of the American Government and people, is mortifying enough to the Government and people of Japan. They are, however, exercising the utmost forbearance at this moment, and in so doing they confidently rely upon the high sense of justice and fair play of the American Government and people, which, when properly approached, will readily understand why no such discriminatory provision as above referred to should be allowed to become a part of the law of the land.

It is needless to add that it is not the intention of the Japanese Government to question the sovereign right of any country to regulate immigration to its own territories. Nor is it their desire to send their nationals to the countries where they are not wanted. On the contrary the Japanese Government showed from the very beginning of this problem their perfect willingness to cooperate with the United States Government to effectively prevent by all honorable means the entrance into the United States of such Japanese nationals as are not desired by the United States, and have given ample evidences thereof, the facts of which are well known to your Government. To Japan the question is not one of expediency but of principle. To her the mere fact that a few hundreds or thousands of her nationals will or will not be admitted into the domains of other countries is immaterial, so long as no question of national suscepti-

¹ See Table B of the annual reports.

bilities is involved. The important question is whether Japan as a nation is or is not entitled to the proper respect and consideration of other nations. In other words, the Japanese Government asks of the United States Government simply that proper consideration ordinarily given by one nation to the self-respect of another, which after all forms the basis of amicable international intercourse throughout the civilized world.

It is indeed impossible for my Government and people, and I believe it would be impossible also for your Government and for those of your people who had made a careful study of the subject, to understand why it should be necessary for your country to enact as the law of the land such a clause as section 12 (b) of the House immigration bill.

As is justly pointed out in your letter of February 8, 1924, to the chairman of the House Committee on Immigration, it is idle to insist that the provision is not aimed at the Japanese, for the proposed measure (section 25) continues in force your existing legislation regulating Chinese immigration and the barred-zone provisions of your immigration laws which prohibit immigration from certain other portions of Asia—to say nothing about the public statements of the sponsors and supporters of that particular provision as to its aim. In other words, the manifest object of the said section 12 (b) is to single out Japanese as a nation, stigmatizing them as unworthy and undesirable in the eyes of the American people. And yet the actual result of that particular provision, if the proposed bill becomes the law as intended, would be to exclude only 146 Japanese per year. On the other hand, the gentlemen's agreement is, in fact, accomplishing all that can be accomplished by the proposed Japanese exclusion clause except for those 146. It is indeed difficult to believe that it can be the intention of the people of your great country, who always stand for high principles of justice and fair play in the intercourse of nations, to resort, in order to secure the annual exclusion of 146 Japanese, to a measure which would not only seriously offend the just pride of a friendly nation, that has been always earnest and diligent in its efforts to preserve the friendship of your people, but would also seem to involve the question of the good faith and therefore of the honor of their Government, or at least of its executive branch.

Relying upon the confidence you have been good enough to show me at all times, I have stated, or rather repeated, all this to you very candidly and in a most friendly spirit, for I realize, as I believe you do, the grave consequences which the enactment of the measure retaining that particular provision would inevitably bring upon the otherwise happy and mutually advantageous relations between our two countries.

Accept, sir, the renewed assurances of my highest consideration.

M. HANIHARA.

HON. CHARLES E. HUGHES,
Secretary of State.

APRIL 10, 1924.

His Excellency Mr. MASANAO HANIHARA,
Japanese Ambassador.

EXCELLENCY: I have the honor to acknowledge the receipt of the note of April 10, in which, referring to the recent report of the Committee on Immigration and Naturalization of the House of Representatives (Report No. 350, March 24, 1924), you took occasion to state your Government's understanding of the purport of the so-called "gentlemen's agreement" and your Government's practice and purposes with respect to emigration from Japan to this country.

I am happy to take note of your statement concerning the substance of the so-called "gentlemen's agreement" resulting from the correspondence which took place between our two Governments in 1907-8, as modified by the additional undertaking of the Japanese Government with regard to the so-called "picture brides," which became effective four years ago. Your statement of the essential points constituting the "gentlemen's agreement" corresponds with my own understanding of that arrangement.

Inasmuch as your note is directed toward clearing away any possible misapprehension as to the nature and purpose of the "gentlemen's agreement," I am taking occasion to communicate copies of it, as also of my present reply, to the chairmen of the appropriate committees of the two Houses of Congress.

Accept, Excellency, the renewed assurance of my highest consideration.

ANSWER TO AMBASSADOR HANIHARA BY FORMER SENATOR JAMES D. PHELAN

WASHINGTON, D. C. April 11, 1924.

Statement of former Senator James D. Phelan, who with V. S. McClatchy and State Attorney General U. S. Webb, compose a delegation in Washington on the Japanese question, appointed by the American Legion, the National Grange, The American Federation of Labor, and the Native Sons of the Golden West, through their branch organizations in California :

The Japanese ambassador, through the State Department, has communicated a statement to Congress on the pending immigration bill so far as it relates to Japan. The House bill provides for the exclusion of all aliens ineligible to citizenship, which under our century-old naturalization laws, are limited to whites and later blacks. He explains and defends the so-called gentlemen's agreement, which gives to Japan the power to issue passports without question to Japanese subjects who are not, in the opinion of Japan, skilled or unskilled laborers. Under this agreement of 1908, the Japanese population of California has more than doubled, but that is not the point—the United States never has before and should not now continue the practice of delegating its sovereign authority to another nation, so the gentlemen's agreement should be revoked and this country should rely upon its own law and enforce it without the aid of any other government. The Senate bill seeks to preserve the gentlemen's agreement and attempts to put the Japanese, as a special privilege, under the quota law—that is to say, to put them on an equality with Europeans to whom the quota law only applied in the past, notwithstanding the fact that they are barred by law from citizenship. In reading the ambassador's letter, it is apparent that this is the crux of the question and it is the one thing for which he is seriously contending. By making legislative acknowledgment of the Japanese contention for racial equality, Japan wins its case before the court of the world. Before the Paris conferences, Japan demanded the recognition of this principle and it was denied by the action of Great Britain, Australia, New Zealand, and South Africa, and the United States.

The reason for it is just as pressing to-day as it was then. The ambassador says: "To Japan the question is not one of expediency but of principle: to her the mere fact that a few hundreds or thousands of her nationals will or will not be admitted into the domains of other countries is immaterial, so long as no question of national susceptibilities is involved." The ambassador uses the word "susceptibilities" when he means "equality." That is to say, their "susceptibilities" are hurt when they are not put on a parity with Europeans. But what dictated the action in Paris and what requires our denial of race equality now? If the Asiatics are to be put upon race equality with Europeans, then logically our laws will have to be amended sooner or later to permit them to intermarry with our people, to own and lease our lands, and to enjoy the elective franchise. And yet intermarriage, biologically undesirable, if attempted would destroy homogeneity and tend to mongrelization. As they can not blend, they can not be taken into the family as equals. In the economic field it is well established when they come we go. The national policy already excludes the people of China, India, Burmah, Siam, and the Malay Archipelago for the same reasons. It is neither a question of superiority, equality nor inferiority, but purely one of race divergence which prevents assimilation, and this is something that Congress can not cure. In another and important sense it is a question of American equality so far as the people of the United States are concerned. The hope of the future of America is in the intermarriage of assimilable peoples and where potentially there is no intermarriage there can be no equality, and yet equality is the foundation of American institutions. It will be seen, therefore, that it is not a question of Japanese susceptibilities but rather of the assertion of the American right of self-preservation against an insidious danger. If Congress passes the House bill now Japan will be simply denied again what she vainly demanded in Paris: there will be no compromise of principle on our part and no necessary interruption of friendly international relations.

The CHAIRMAN. The committee will stand adjourned subject to the call of the chairman.

(Whereupon, at 12.05 o'clock p. m., the committee adjourned subject to the call of the chairman.)