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2ND ASSISTANT SECRETARY

DIPLOMATIC BUREAU.

File.

See Telegram sent to Ambassador Wright, Oct. 22, 1906.

Exclusion of Japanese.

Encl. 1. Oct. 21, 1906.
Secretary to the President (Forster)
Refers to tel. received from Amb.
Wright and states President wishes to
talk matter over with Secretary Root.
NR. (Recd. Oct. 21, 1906)

October 22, 1906.

To the Secretary of State:

The Japanese Counsellor of Embassy, whom I have known well for years, was lunching with me today. He tells me that their Consul at San Francisco's reports show that:-

On October 11th the San Francisco School Board, acting under Section 1662 of the Political Code of California, ruled that the children of Orientals should be excluded from all public schools. This ruling was enforced from October 15th. The Japanese Consul immediately protested. On the 18th the municipal authorities answered him by the statement that the matter had been referred to a higher authority (Board of Education?), and that he would be informed of the decision. Having received no answer, the Consul has again protested.

The Consul has also been compelled to protest to the local authorities on account of the molestation of Japanese restaurant keepers. Police protection has been given.

The Japanese Embassy regards these two points as very important indeed.

Section 1662 of the Political Code of California published in 1906 provides that "Trustees shall have the power-----
"-----to establish separate schools for Indian children and for
"children of Mongolian or Chinese descent," and that "when such
separate schools are established, Indian, Chinese or Mongolian
"children must not be admitted into any other school.---"

By Art. I of the American-Japanese Treaty of 1894
"In whatever relates to rights of residence----- Japanese are
guaranteed "the same privileges, liberties, and rights-----
as native citizens-----or the citizens or subjects of the
"most favored nation."

If the privilege of having their children attend the
public schools is included in "Whatever relates to rights of resi-

residence," then the Japanese have, under this Treaty, the right to send their children to the public schools. If this privilege is not so included, then the Japanese have it not as a right which cannot be taken from them without breach of treaty, but merely as a privilege which must be extended to them as a privilege relating to residence so long as it is gratuitously extended, in a given jurisdiction in the United States, to the citizens or subjects of any other nation.

Chinese subjects seem to stand upon the same footing in this matter, for according to Art. 2 of the Immigration Treaty of 1880 "Chinese subjects whether-----teachers, students, merchants or (those travelling) through curiosity-----and Chinese "laborers who are now (1880) in the United States-----shall "be accorded all the rights, privileges, immunities and exceptions "which are accorded to citizens and subjects of the most favored "nation."

Since it is difficult to assume that American tax-payers desire to pay for the education of foreigners who are not to be citizens of the United States it may be supposed that the extension of the school privilege to the children of such foreigners is gratuitous and may be withdrawn at pleasure. In a given jurisdiction it must, however, be extended to or withdrawn from all foreigners alike who enjoy favored nation treatment.

If the school privilege is to be extended to foreigners such privilege would seem to consist in the receiving of the regular school education at the expense of the State irrespective of the question whether such education should be given foreigners in a school mingling various nationalities, a school for foreigners only, or a school for any particularly numerous nationality or nationalities. Special schools for special nationalities could perhaps be justified on utilitarian administrative grounds, upon the hypothesis that a slightly different instruction was best calculated to reach children of a given foreign nationality.

In Japan the government has by strict regulation limited the specified schools everywhere in that country at which Chinese may receive instruction.

From my familiarity with conditions in Japan I know that the telegram to the New York Sun and that of the Ambassador prove that a very influential class in Japan is seriously incensed. The Japanese government quite understands our difficulties with the State jurisdictions and with the labor unions and they will doubtless do what they can to allay popular indignation, a difficult task to be sure, because the Japanese are a very proud and sentimental people. In addition to the assurances given the Japanese through our Ambassador, it might be well to do something through the press here, ^{also} and to cause the Ambassador at Tokio to give out as an interview, something like the following:

The Japanese people should remember that the American people as a whole feel for them both friendship and respect and that any different feelings toward them which may exist on the Pacific coast is merely local and due to special circumstances, so simple that anyone can understand them. The agitation on the Pacific coast against the free immigration of Japanese laborers into the United States is not directed against the Japanese as a race, but simply as men who, by working for far lower wages than Americans can live upon, may drive American labor out or make impossible to American laborers their present high standard of living. If Americans went to Japan in great numbers and offered to till the soil or perform their work at a wage far below what Japanese could live upon, can it be doubted that the Japanese would object, not upon racial grounds but upon economic grounds? It is clear, then, that the present local agitation is not against the Japanese as a nation. Any little prejudice there may be on the Pacific coast against the Japanese, as such is easily accounted for by the fact that among the large number of emigrants who have gone there, are many adventurers and unrepresentative types who do ~~no~~ justice to the good name of their countrymen.

As for the school question, it will surely be satisfactorily settled. What has been done in one city in the United States seems to resemble what has been done throughout Japan in the case of the numerous Chinese students.

A retrospect of the invariable attitude of the United States should be sufficient assurance to the Japanese people that the American government will do everything possible to allay this little trouble in California.

The Japanese are so sensitive that I feel sure that rather than risk the slight involved in the Pacific coast's inhospitable attitude toward Japanese immigration, the Japanese government would be prepared itself to restrict it. Inasmuch as the feeling on the Pacific coast seems to be so strong and growing

that Japanese exclusion may before long be forced upon this Government by the exigencies of domestic politics, it may be well not to minimize the present case, and so gradually to accustom the Japanese to the idea. The present may be a favorable moment for an informal intimation that considerable embarrassment would be averted if the Japanese government would quietly restrict emigration to this country.

If further exclusion becomes necessary perhaps we might avert racial resentments by having a general law excluding all immigrants of the labor class coming from foreign countries where the scale of wages is a certain percentage lower than that prevailing in the United States. By some such law, on its face general and inoffensive to every particular nation, we might exclude not only Orientals but several other of the less desirable races while still admitting the most desirable. The law might provide, for example, that no individual immigrant should enter the United States as a laborer who could not show that in the country from which he emigrated he had been accustomed to receive a rate of wages for his labor equal at least to -----per cent of the wages received for similar labor in the United States.

Referring to Mr Wright's telegram, ^{after} an examination of the last report of the Secretary of Commerce & Labor made by the Chief Clerk of the Bureau of Immigration he states that there is no allusion therein to the exclusion of Japanese from Hawaii. I have no knowledge of any insult to Professor Omori or of any particular anti-Japanese remarks by Mr. Kahn or Mr. Rockefeller, - mentioned in the Sun's despatch.

Respectfully submitted,

Huntington Wilson.