

1797/12a

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October 26, 1906.

Dear Mr. Attorney General:

I send you copy of the notes on the exclusion of Japanese children from the public schools of San Francisco and on the boycott of the Japanese restaurants and assault upon Japanese residents in San Francisco, which was the subject of discussion at the Cabinet to-day.

A news despatch has just been brought to the Department saying that Judge Wolberton of the United States Circuit Court yesterday issued an order to the Board of Education of San Francisco citing that body to show cause why an injunction should not issue to compel the reinstatement of a Japanese student in one of the grammar schools. The application is said to be with the intantion of making a test case and to be upon the ground that the exclusion is in violation of the Constitution and of the treaty.

If this is the case, I think the United States should be represented at the hearing. I think it would be advisable to telegraph to the District Attorney to ascertain if the news item is true and for information as to the bona fides of the application. It may be designed merely to secure an adverse decision.

Faithfully yours,

ELIHU ROOT

Three enclosures as above.

Honorable W.H. Moody,

Attorney General

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DEPT. OF STATE
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A true copy
the signed
JMB