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*Mem. Under the Secy (Nov 2006)
the Japanese Amb. Shunroku*

Secretary of State
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I. The United States Govt. is fully aware of his-
tory of negotiations leading to the abrogation of Japan's
ancient treaties with foreign countries and the substitution
in their places of the set of commercial treaties concluded
between 1894 and 1896.

2. The relations of intercourse between Japan and the
United States were until July 1893 regulated by treaties of
1854 and 1858 and arrangements and agreements made there-
under.

3. Those ancient treaties and agreements regulated
conditions under which United States citizens might come
and reside in Japan and engage in trade. At the time of
conclusion of these treaties the possibility of Japanese
coming to the United States to reside and engage in all forms
of lawful occupation was not foreseen. Accordingly hardly any-
thing was said in the treaties about the rights of Japanese
residing in the United States.

4. Those ancient treaties while opening certain parts
of Japan to residence and commerce of U. S. citizens, were
essentially based upon principles of exclusion and segregation,
places of residence of U. S. citizens like those of all other
foreigners were confined to limited areas known as "foreign
Settlements" and the free intermingling of foreigners in the
Japanese community at large was not provided for.

5. It was soon perceived that the principles of ex-
clusion and segregation on which the ancient treaties were

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Treatment of Japanese in California

Encl. 61.
Dept. of Justice (Capt.)
Request copy letter if Dept. has
it written by Atty-General to Mr. De-
lin, U.S. Atty., at San Francisco, dated
about Oct. 26.
Mr. (Recd. Oct. 27, 1906)

1797

File

taken together with the unilateral character of those treaties offered serious obstacles to the development of free intercourse between the two nations. This led to the abrogation of ancient treaties and substitution in their places of the treaty of 1894, which is based on the principles of equality, justice and reciprocity.

6. The most conspicuous feature of the treaty of 1894 is the principle of equality between nationals and citizens of the other contracting party. Equality before law, equality in submission to taxation, equality in all matters connected with residence, no exclusiveness, no segregation but free intermingling of the subjects and citizens of the two countries, equal opportunity, equal treatment, these are the features of the existing Treaty. That Treaty is reciprocal as that whatever rights that can be claimed for U. S. citizens in Japan can also be claimed for Japanese subjects in U. S. The preamble, ART. 1 and Art 17 bear eloquent testimony to the enlightened policy of the new treaty which has expressly abrogated the last remaining vestige of a regime that was based on exclusion and segregation.

7. The attempted segregation of Japanese school children in San Francisco is a retrograde step in the intercourse of two nations in precisely the same manner as an attempt to revive the system of foreign settlement would be in Japan.

In reference to the Secretary's question whether Japanese are Mongolians, you can say that Japanese racial pride is hurt when they are classed with Mongolians. Japanese are a composite race in which Mongolian element is no doubt present, but that fact does not justify their classification as Mongolian any more than Englishmen can be regarded as pure Germanic.