



Office of the Attorney General
Washington, D.C.

APE

December 6, 1906.

Sir:

I have the honor to quote below, for your information and consideration, a telegram just received from the United States Attorney at San Francisco:

Had meeting this afternoon with board of education for purpose of making agreed case to take to Supreme Court of California presenting sole question whether action taken by school authorities is in conflict with treaty with Japan. They wish to prepare some amendments and will meet me again Friday afternoon. Believe that Supreme court will give early day for hearing. Shall not present point that Japanese are not included under word "Mongolian" as California legislature could on this point change law. To avoid any question of jurisdiction shall probably have Japanese subject as nominal plaintiff with statement that Government joins so as to obtain decision whether action taken by state authorities is in conflict with treaty. Consider that case should be brought in state Supreme Court first because if decision is in our favor that will end matter by action of state tribunal. Shall I proceed when agreed statement of facts is perfected without further instructions or do you desire to have copies before filing in court?

Very respectfully yours,

W. H. Moody
Attorney General.

The Honorable

The Secretary of State.

INDEX BUREAU

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DEPT. OF STATE

TO G. S.

TELEGRAM

FILED

ASSISTANT SECRETARY,

DEC 5 1906

To Mr. Babcock
for the Secretary's attention

Treatment of Japanese in California.

Dec. 71. Japan. Tel. Dec. 1, 1906.

Am. Embassy (Wright)

"Has a copy of Metcalf's report been sent to me? Newspapers here publish conflicting statements regarding its nature."
W. (Rec'd Dec. 1, 1906)

HER

8:13 A. M.
24 December, 1906.

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