

Japanese in California; Action before the State Supreme Court in re.
 Dec. 7.
 Dec. 6, 1906.
 U.S. Attorney at San Francisco, stating that he had a meeting with the Board of Education for the purpose of making an agreed case to take to the Supreme Court of California presenting sole question whether action taken by the school authorities is in conflict with treaty with Japan. Give further particulars.
 (Received 12/10/06.)

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Dec 1, 1906
 Dear Mr Root

In reference to Japanese school question in California - On reading the Herald this morning - it occurred to me & I thought perhaps I might ask you without any desire to "butter" if your attention had been called to the famous Rutgers v Waddington Case in which young Alex Hamilton won his first professional reputation.

My impression is that the principle contended for successfully in that case was that "the Federal Union was known & legitimized in the

Constitution and adopted
as a fundamental law in
the first act of your Legislature

"The Federal Compact
vested Congress with full
and exclusive power to
make Peace & War."

"This treaty (treaty of
peace with England) they
have made and ratified and
rendered its obligation perpetual"

"And we are clearly of
opinion that no State in
the Union can alter, or abridge,
in a single point the federal
article or the treaty."

See Rutger vs Waddington

New York 1784 (47th)

Alex Hamilton }
Brookholst Livingston } Counsel
Moran Lewis } for Waddington

(2)

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See Lodge's Life of Hamilton

Delays History C. P. / R. D. Smith Rep
LXXIV-LXXVIII

Reprint of Rutgers is
Waddington with History of
base by Dawson.

Swanwick, G.
William H. Winter
Hon. John R. R.
Secretary of State.