

Secretary of State,
DEC 6 1906

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Mr. Wilson:-

I want a memorandum upon the laws of Japan
relating to the treatment of Americans - what limita-
tions there are.

Secretary.

Treatment of Japanese in California.

O. G. S.

DEC 1

DEPT OF STATE

Encl. 74.

New York,
Dec. 5, 1906.

T. C. Spelling to President.

Understands from President's M
Message that rights claimed by him
for Japanese children domiciled in San
Francisco as well as those claimed
for Japanese adults domiciled in the
States are inferable from certain
stipulations found in treaties. It is of
course most favored nation's clause
with reference to domiciliary rights
Power to make treaties is an attri-
bute of all sovereigns, and such
treaties when made would be "essen-
tially" the supreme law of the land.
When the States voluntarily created
a sovereign nation, and surrounded
it, it and all treaty making pow-
er, there could not be reserved to
the States, nor to the people, any por-
tion of right to nullify any treaty
stipulation, or to impede performance
by national gov't. of any duty assum-
ed under any treaty. Discussions sub-
ject at length.

(Recd. Dec. 6, 1906.)

of the United States" which can be enforced by the executive. These
fundamental principles were also very strongly asserted in the case
of the United States, in the exercise of its power over the rails, and in pro-
tecting interstate commerce, had jurisdiction over every foot of soil in
the territory upon every citizen.
to not presume, Mr. President, that the foregoing contains
anything which you are not fully conversant; but I believe an ac-
cession of your opinions in accord with your own will not prove unhelp-
ful at this time.
But I doubt if such extreme States' rights as Senator
Tamm have ever given true interpretation to the cases above cited, or
will be able to answer the argument therein.

Yours truly,

T. C. Spelling