

COPY.

Telegram.

313 Ch op. 1106-Paid Gov't.

Dec. 13, 1906.

PO-San-Francisco, Calif.

Attorney-General,

Washington, D.C.

Have agreed with Board of Education and their counsel upon statement of facts with exception that board of Education desire to verify statement that Japanese is tax payer. Statement is as follows:

"Whereas, a controversy has arisen over resolution of the Board of Education of the City and County of San Francisco, providing a separate school for Japanese children, it is agreed that in any action of proceeding brought by the United States Government or by a Japanese child subject of Japan, the following may be said as an agreed statement of facts and the following facts are admitted to be true. That the United States entered into a treaty with the empire of Japan, which was concluded November 22, 1894, the ratification of which was advised by the Senate of the United States, with amendments February 5, 1895, and which was ratified by the President of the United States Feb'y. 15, 1895, that ratifications

INDEX BUREAU
DEC 13 1906
DEPT. OF STATE
O. G. S.

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E. G. D.

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Treatment of Japanese in California.

Encl. 83. December 14, 1906.

Department of Justice.

Transmits copy of a telegram dated December 13, 1906, from the United States Attorney at San Francisco, California, relating to the Japanese School case.
(Rec'd Dec. 18, 1906.)
P. B. D.

Secretary of State
DEC 29 1906

DEC 29 1906

*See copy distributed
attache*

Shaw Dec. 20/06

D. J. C.

FILE-S. Y. S.

were exchanged March 21, 1895, and that the treaty was proclaimed March 21, 1895, which treaty is now in full force and effect:

Section 1662- of the political code of California, among other things provides that "The Board of Education" or School Trustees shall have power to establish separate schools for Indian children and for children of Mongolian or Chinese descent. When such separate schools are established Indian Chinese or Mongolian children must not be admitted in any other school."

On October 11, 1896-The Board of Education of the City and County of San Francisco, adopted the following:

"Resolved, that in accordance with article 1 section 1662 of the school law of California, principals are hereby directed to send all Chinese, Japanese or Korean children to the Oriental public school, situated on the south side of Clay street, between Powell and Mason Streets, on and after Monday October 15-th 1906"

4-Prior to the passage of said resolution the said board of education of the city and county of San Francisco had established a separate public school named and called the "Oriental School", for Children of Mongolian and Chinese descent, and that at the date of said

resolution there were in attendance in the separate public schools of the city and county of San Francisco ninety three (93) Japanese students and that of said number there were about thirty nine (39) Japanese between the ages of sixteen and twenty one years, all the rest were under sixteen years of age, that no separate public school has been established under said law or resolution for the children of any parentage other than the said Oriental School, and that the children of all other parentage than the said Mongolian and Chinese are not compelled to attend separate schools.

5--That Kr Kechi Aoki was born in the Empire of Japan and is a subject thereof that the said infant is of the age of ten years and three months and is a resident of the city and county of San Francisco and with the exception of being of Japanese descent has the qualification provided by the laws of the state of California for admission to the public schools. That Michitsuki Aoki is his father that said father was born in the Empire of Japan, is not a naturalized subject of the United States, and is a subject of the Empire of Japan, but is a resident and tax payer of the City and County of San Francisco. That the above named infant prior to the adoption of the resolution of the Board of Education above quoted attended one of the regular public schools of the

City and County of San Francisco known as the Redding Primary School to which American children and children of other nationalities were admitted and after the passage of said resolution he was prevented from attending said Redding Primary school and was permitted to attend other public school than the said Oriental school.

6--In conformity with the above quoted resolution of the board of education of the city and county of San Francisco, the above named Kr Kichi Aoki and all other Japanese children subjects of the Empire of Japan and resident within the city and county of San Francisco and between six and twenty one years of age, have been and now are refused admission to any of the public schools of the primary and grammar grades of the city and county of San Francisco, except the said Oriental school established for children of Mongolian and Chinese descent, that Japanese subjects are permitted to attend any and all public schools of the city and county of San Francisco of all the other grades than that of the primary and grammar grades.

7--That the aforesaid Oriental school is a free public school of the primary and grammar grade established by the laws, rules, and regulations governing the establishment and conduct of all public schools of the primary and grammar grade in the city and county of San Francisco

that said Oriental school is conducted in all respects as are other public schools of the same grade in the city and county of San Francisco, that the same educational privileges, rights, and advantages are afforded the children of said Oriental school as are offered the children of all other of said public schools, (that no educational facilities are denied to the children of said Oriental school) that said Oriental school as conducted under the same general rules and are the same number of equally competent trustworthy teachers with the same course of studies and the same accommodations, paraphernalia and equipments as are enjoyed by the children of American parentage, *in other schools*

8--Children of English, German, French, Italian, and other European parentage, citizens of the above named respective foreign governments and residents of the city and County of San Francisco, are not denied access to and do attend the public schools of the city and County of San Francisco upon the same terms and conditions as those made applicable to children of American citizens resident in said city and County, and are not compelled to attend separate schools for children of foreign parentage, that no separate public school has been established for the children of any parentage other than the said Oriental school.

9--The school authorities of San Francisco intend

to enforce said regulation of the board of education of the city and County of San Francisco. When authorized to sign by you, board of education and myself shall sign same.

(Sig) Devlin,

United States Attorney.

Received--1 AM

G.

*Shown Japanese Consul & handed
them for suggestion Dec 27/06
Returned by them no suggestion 11/29/06*

Telegram.

313 Ch cp.

1106-Paid Gov't

Dec. 13, 1906

Secretary of State,

DEC. 29 1906

PO-San Francisco, Calif.

Attorney General,

Washington, D.C.

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Section 1662 - of the political code of California, among other things provides that "The Board of Education" or School Trustees shall have power to establish separate schools for Indian children and for children of Mongolian or Chinese descent. When such separate schools are established Indian Chinese or Mongolian children must not be admitted in any other school."

On October 11, ¹⁹⁰⁶~~1896~~ - The Board of Education of the City and County of San Francisco, adopted the following:

"Resolved, that in accordance with article 1 section 1662 of the school law of California, principals are hereby directed to send all chinese Japanese or Korean children to the Oriental public school, situated on the South side of Clay street, between Powell and Mason Streets, on and after Monday October 15-th 190⁶"

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number there were about thirty ^{three (33)} ~~nine (39)~~ Japanese between the ages of sixteen and twenty ~~one~~ years, all the rest were under sixteen years of age, that no separate public schools has been established under said law or resolution for the children of any parentage other than the said Oriental School, and that the Children of all other parentage than the said Mongolian and Chinese are not compelled to attend separate schools.

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respects as are other public schools of the same grade in the city and county of San Francisco, that the ~~said~~^{me} educational privileges rights and advantages are afforded the children of said Oriental school as are ~~offered~~^{afforded} the children of all other of said public schools, that no educational facilities are denied to the children of said Oriental school, that said oriental school ~~is~~^{is} conducted under the same general rules and ~~are~~^{with} the same number of equally competent ^{and} trustworthy teachers, with the same course of studies and the same accommodations, paraphernalia and equipments as are enjoyed by the children of American parentage.

3--Children of English, German, French, Italian, and other European parentage, citizens of the above named respective foreign governments and residents of the city and county of San Francisco, are not denied access to and do attend the public schools of the city and county of San Francisco upon the same terms and conditions as those made applicable to children of American citizens resident in said city and county, and are not compelled to attend separate schools for children of foreign parentage that no separate public school has been established for the children of any parentage other than the said Oriental school.

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(Sgd) Devlin,

United States Attorney.

Received--1 AM.