

1797/85-86.

(L)

December 24, 1906.

The Honorable

The Attorney General.

S i r :

I have the honor to acknowledge the receipt of your letter of December 20th enclosing Copy of a letter from Mr. Devlin, the United States Attorney in San Francisco, regarding the Japanese school case.

It is my understanding that your Department has telegraphed Mr. Devlin to come on to Washington before agreeing upon a statement of facts, in order that there might be full consultation. I hope then to have an opportunity for full consideration and conference on the subject, in which I shall be glad to conform to the convenience of your Department.

I will now note, in order that it may not be lost sight of, the suggestion that we should not fail to have the case in such form that it can go to the Supreme Court of the United States. Will you consider whether in the statement proposed there is so definite a claim under the treaty as to form the basis of a writ of error from the Supreme Court, and whether such a writ would lie to review the judgment reached in this way upon an agreed statement.

I have the honor to be, Sir,

Your obedient servant,

ELIHU ROOT.

A true copy of
the signed copy
of
ER.