

File
Secretary of State,
DEC 18 1906

COPY.

DEPARTMENT OF JUSTICE.

Office of

United States Attorney,

Northern District of California,

San Francisco, Nov. 23, 1906.

In re Japanese educational matter.

THE ATTORNEY GENERAL,

WASHINGTON, D. C.

SIR:-

I beg to acknowledge receipt of your letter of November 14, 1906, enclosing copy of a letter from the Secretary of State, and stating that it would be desirable to have the matter taken before the Supreme Court of California upon an agreed case. I think there can be no question that if the Supreme Court is convinced that the statute of California providing for separate schools is in conflict with the provisions of the Treaty, or the proper construction of the Treaty is broad enough to cover the case, the statute of California will be declared unconstitutional.

There are two questions before the Court:

- (1) Does the Treaty with Japan give to the Japanese subjects the same rights as native citizens or subjects of

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There are two questions before the Court:

(1) Does the Treaty with Japan give to the Japanese subjects the same rights as native citizens or subjects of

#2--A.G.

other countries in relation to educational advantages furnished by the States alone without Federal aid or supervision?

(2) Is the segregation of Japanese children in separate schools, where they are not deprived of the same educational advantages, but only forced to associate by themselves, a discrimination?

I judge from your letter of November 14th that you desire me to present the matter to the Supreme Court for the purpose of getting an adjudication, and I shall ask you, upon receipt of this letter to advise me if I shall proceed, or if you desire to hold the matter open for further consideration.

I this day send you a separate report for your general information.

Very respectfully,

(Signed) Robt T. Devlin,

UNITED STATES ATTORNEY.