

LELAND STANFORD JUNIOR UNIVERSITY

OFFICE OF THE PRESIDENT

Stanford University, Cal.,



February 13, 1907.

Hon. Theodore Roosevelt,

White House,

Washington, D. C.

Dear Sir:

Mr. Henry P. Bowie, of Burlingame, one of our best lawyers and a man deeply interested in the Japanese question, has prepared a brief which he has shown to me and which he has given to Mr. Devlin, United States Attorney. It seems to me a very strong and very sound argument, and I venture, with his permission, to send a copy to you. If the removal of the Japanese children to the Chinese school is a violation of the treaty, it is in the nature of things illegal; for, while the government has no control over schools of California, the Japanese are its guests, as in a sense all foreigners are guests of the nation, deriving their rights from national privileges granted by treaty or in some similar fashion. If there has been no violation of the treaty, we have no particular interest in the matter and neither has Japan, but it is certain that we cannot ask favors of Japan unless our course is clear in regard to these matters.

Very truly yours,

H-

David Starr Jordan.

are imposed as make it degrading for any particular class or race of children to attend, this is a virtual denial to them of the rights or privileges of education. To deny resident Japanese children access to the ordinary schools which they, along with all other foreign children, save Chinese, have hitherto attended and to compel them hereafter to frequent a school for Indians and Mongolians, is to humiliate them in the face of not only American children, but also before all other foreign nations, at home or abroad. To argue the truth of this is unnecessary.

Now on what grounds can such discrimination be justified? As a reasonable police measure? Let us see. It may be said to be a police measure to separate white children from black ones in the schools. And for many reasons:

The blacks are mentally inferior, socially they have no position in the world, politically they have but lately, as a race, emerged from servitude, - their vices are known, their habits uncleanly, they live in huts and squalor is their natural condition. For these and other reasons their children are separated in the schools. The Indian also is a semi-barbarous native, with whom for similar reasons it is undesirable that white children should associate. None of these reasons apply to Japanese

children. They are the offspring of a great nation,- a foremost world power, whose Government began before Europe was, whose warriors have conquered in every contest they ever engaged, whose prowess on the fields of battle is only equalled by their chivalric treatment of their fallen foe, whose mercies and charities know no bounds and are circumscribed by no national prejudices or hatreds, whose arts excel those of all other countries in countless particulars, whose code of morality frowns on divorce, whose language contains no sacriligious imprecations, whose manners orderly conduct and superlatively cleanly habits are the admiration of the civilized world, whose scholars are foremost in every science, whose artisans are unsurpassed in deftness, skill and exactness, whose poets and painters and sculptors have endowed their country with imperishable monuments,- and it is the children of such people whom the School Board declares to be unfit, or undesirable to associate with native Americans in the ranks of education and only fit to attend schools provided for Chinamen and Digger Indians.

Such discrimination, euphemiously called segregating, cannot be justified, as a police measure, and is therefore to be explained and upheld, if at all, as a

race-hatred measure, an oppressive act, unworthy, as it is un-American and unjust. Such being the case let us see what the Treaty of the United States secures to the Japanese. To quote its language: In whatever relates to residence x x x they (the Japanese) shall enjoy "the same privileges, liberties and rights" as "native citizens or subjects or citizens or subjects of the most favored nation", and these latter enjoy the privilege of attending the general public schools. Hence the school law contravenes the letter as well as the general principles of the treaty.

It is unnecessary to claim that the treaty attempts to force the State in to educating the Japanese. All the treaty does is to assure to the Japanese the same "rights, privileges and liberties" within the United States as are enjoyed by the most favored nation's subjects resident therein.

Should California abandon her school system, neither the Federal Government nor any nation could be heard to object. Should she establish separate schools for aliens, no nation could object. But to establish schools which she allows French, Italian, Portugese and German, Greek and Lascar children to attend but from which she excludes Japanese children, is a violation

of the Treaty, as it withholds from the latter, "rights, liberties or privileges" within this state which are NOT withheld from the children of other nations residing therein. As the treaty is supreme, it would seem to follow with legal and logical certainty that the State law must be declared invalid, because of such discrimination, fostering race hatred and contravening the terms of the agreement between Japan and this Country.

Any other doctrine puts it in the power of a state to override the general government in the regulation of its relations with foreign governments, and to ignore and set aside Treaty obligations of the United States.

The state will not be permitted under the pretense of regulating the schools to use them as a means of bringing about a rupture between this government and another nation with whom there has been made a treaty of amity and commerce.

Therein lies the whole crux of the controversy.

The government is not interfering with the schools of the state. On the other hand it will not permit the state to interfere through the schools with the relations between the Government and Japan. If the state does not wish American children to

be educated with other nationalities, let the state provide separate schools for all other nationalities.

But the state will not be permitted to disrupt relations with a friendly power by selecting the children of that power only to be expelled from schools which the children of other nations are permitted to attend, and sending the children of that power to associate and be educated with Chinamen and Indians. The humiliation is an affront to civilization, an insult to a proud and chivalrous country, and a direct slap in the face to the Senate and President of the United States, the treaty making branch of the National Government.

Separate schools for negroes have been sustained on police grounds.

1st.- The Black race is admittedly an inferior race in every respect and the history of this country shows they have never been considered or treated as the equals of the white people, North or South.

2nd.- No question of Treaty rights is involved in assigning them to separate schools. This alone removes the Negro question entirely from the present controversy, by thus distinguishing it in principle.

Now if the State cannot control, disregard, or override the foreign relations of the Government by direct legislation, how can she be heard or permitted to endanger those relations indirectly by so

legislating upon her school system as to embarrass the treaty making power, and thus tend to bring about a severance of relations with a friendly nation.

The national government is not attempting to establish, control or regulate the California school system, but she must have the power to prevent that system endangering unnecessarily, Treaty obligations. As well claim that if the State levied a head tax on incoming Japanese, the Government could not object without interfering with State right of taxation. The subject matter of intercourse between foreign nations is no more within the power of Congress alone to regulate than is the other, to wit: to secure to the Japanese equal rights and privileges, within the Jurisdiction and exclusive province of the Treaty making power of the general government.

The Louisiana case can be easily distinguished. There, Italians were killed by a mob. The act was complete and ended. There was nothing for the Government to do but to pay an indemnity. The crime was not the act of a sovereign State, but that of a band of law breakers. Besides there was no federal criminal law under which they could be indicted.

Here we have an act of the legislature whose legality can be tested and its illegality declared, and a remedy afforded

against future infractions. In the above and similar embarrassing cases for the Government the act was not committed under color of law. Here it is sought to be justified by a law now in the Statute book.

It has been declared by some jurists that the 14th Amendment established national citizenship and that it will require another Amendment to vitalize the Treaty power, so that the President may enforce what he has formally and in the name of the Government undertaken to see performed. But if the power to make the Treaty be conceded it must follow the power is granted to give it life and enforce it. The President is the Chief Executive officer and execution is the life of the law.

The whole authority of the Government, as well as all the force of law is behind him in any act of his to compel State obedience to Treaty obligation.

The government is not attempting to abolish distinction of color, nor to establish social equality between Japanese and the people of this State. On the other hand it will not permit invidious distinctions to be made against the Japanese which do not apply to all other nationalities resident here, for else the immediate result is to modify the Government's treaty

obligations, giving equal and the same rights to the Japanese as are enjoyed under California laws by other Nationalities. There cannot be one law for Japanese and another for Germans or French residents whereby State privileges are withheld from the former and accorded the latter.

However much California may desire such discrimination, it can only be secured through Treaty between the United States Government and Japan, or by having no Treaty relations with that Country. Any other course would permit this State to plunge the Country into a foreign war against the wish of the Government.

The vital purpose of the "favored nation" clause in treaties is to prevent discrimination or preferential treatment, and if advantages are on the one hand secured to this Country by treaty, concessions, as the prize of the same are made to the other contracting power; and it is to guard against such or similar action on the part of the School Board of San Francisco in this case that the clause is inserted.

Suppose with a Treaty between England and America granting England the same favored Nation clause as we have agreed to with Japan, a war broke out between England and Germany, and the San Francisco School Board, composed largely of German naturalized citizens should under a State law

which might sanction it, make a rule that hereafter all English children must attend separate schools provided for Indians and Chinese. Would the case in principle be any different from the one at bar.

Could it be successfully, or seriously, maintained that neither the English government nor the Federal Government could be heard to object to such action for the reason that the matter of schools was entirely within the right of the State to control.

Would not the answer be you cannot under the pretense of controlling education, or under the form of law, offend the subjects of a friendly nation residing within your state by such insulting discriminations; that is something unconnected with the control of schools. It is an attempt to oppress and humiliate on account of national prejudices, or hatred on inoffensive class of alien citizens whose rights, privileges and immunities are guaranteed by the Government to be the same, no more no less, no greater nor fewer than those of any other foreign citizens resident within the Territorial limits of the United States.

The right of the state to reasonably control its Schools is fully conceded; the right of the Federal Government to make Treaties with foreign Governments must be

equally allowed, and it may be admitted that the Treaty power shall not effect or abridge the State right of reasonable control over her educational institutions. The only questions then is: Where the state allows the children of every country of Europe to attend her general white schools, is it to be considered an attempt on the part of the Treaty making power of the Government to control the State schools. Should it give and guarantee by Treaty with Japan the right to their children resident within that State to enjoy a similar privilege of attending those schools.

So far from controlling the system the treaty is virtually conforming to the State's declared general policy. Indeed no State law prohibits specifically Japanese children from attending white schools.

If the government in the exercise of its Treaty making power can assure "the most favored" nation treatment to any given foreign country, then no State can pass a law to withhold such treatment.

It is not a question of school control but of nullifying or embittering relations between the Federal Government and a foreign power in a matter of fair and equal treatment accorded to the Citizens or subjects of all the nations we are in Treaty relations with, and in no sense touching the essentials of proper school control.

The whole difficulty is that the dominant political party, the labor unions in San Francisco, are trying to drive the Japanese out of California and are using the schools to that end, in violation of constitutional law. They are thus trying to accomplish illegally what can only be done through the Treaty making power of the United States.

At bottom there is involved here not the School Question, which is only a stalking horse, but, an un-American race hatred and an attempted oppression largely fomented by labor unions and given the form only of a School Board regulation by a sub-ordinate political body, composed of naturalized foreigners or members of a discredited municipal government of said lot agitators. There is no principle more frequently laid down and enjoined by Courts than respect for the law as it stands; appeals to class hatred are futile, and if the law is to be changed the only power to alter it is the power that made it. Unaltered it is enforceable and must be respected and obeyed. If this be true of ordinary laws, a fortiori does it apply to Treaty stipulations which the constitution of the United States declares to be the supreme law of the land, any Constitution, or law of a State to the contrary notwithstanding.

A profound Philosopher, Emerson, has said that no truth should be stated too broadly, lest violence be done some other truth equally entitled to consideration.

The asserted right of a state to absolutely and unqualifiedly control its school system, with the power to discriminate against any particular class of resident, foreign subjects with whose sovereign we are in treaty relation, appositely illustrates the practical wisdom of such philosophical reflection.

If the purpose of such discrimination be in the interest of our native American children to prevent their contamination by foreign association, such purpose can be accomplished by founding separate schools for all foreign children. This segregation secures all that invidious discrimination against one class alone might effect.

To attempt more than this is to claim for the state powers inconsistent with the Treaty rights of the Government. If the legitimate purpose of protection from foreign contamination can be accomplished by such segregation, while the state nevertheless insists upon discrimination born of race prejudice then the state's pretended legitimate aims are a mere mask, and the unavowed purpose stands disclosed as a labor agitation against a particular class which it desires to drive out of the Country.

The course here suggested affords an easy and satisfactory solution of the whole question, and while the power of the government to guarantee equal treatment under the most favored nation clause is respected and preserved, the State attains its object (on the assumption _____ the same is boni-fide a measure in the interest of native children.) by a legal, constitutional and unoffensive method of procedure and all conflict between the State and the National Government is avoided. Thus treaty stipulations are maintained in their integrity without any sacrifice of the States legitimate right to control her school system.

In fine: let the state segregate if it choose American children into exclusively American schools, but not discriminate between foreign born children of different nationalities resident amongst us.

Thus the potency of state law and the Supremacy of Treaty stipulations are both substantially preserved.

In the Tiburcio Parrott case reported in Vol. 1 Fed. Rep., the Circuit Court lays down the doctrine in emphatic and unquestioned language that a Treaty of the United States is the Supreme law, neither to be questioned or set aside by any Court, State or Federal. The only function of the Court is to register the will of the Executive

expressed in a treaty ratified by the Senate. And the reason is virtually supplied by Hamilton in the Federalist when he declares that a treaty is a contract wherein rights are bargained for and granted on the basis of mutual covenants and agreements. And as it takes two parties to enter into a contract the consent of both is necessary to annul it.

Therefore if necessary it can be safely claimed that no State has any rights which it can successfully assert against a treaty stipulation which modifies, contravenes, ignores or sets aside those rights.

This doctrine in theory over turns all state rights in conflict with a treaty as long as the treaty remains in force. But any other and opposite theory would put it in the power of the State to overturn the National will as expressed by a Treaty of our National Government. It may be said even that this doctrine leads to usurpation of State authority by the central or national government but the constitution did all it could to prevent such usurpation by vesting the power not alone in the Executive but in the Senate composed of representatives of the States and forming what was believed to be a body of the experienced and most conservative

counsellors.- and if the States or a 2-3 majority of the same are dissatisfied with such conditions and safeguards an amendment to the constitution regarding the supremacy force and effect of treaty stipulations can be passed.

But as the case now stands neither arguments, law or facts are necessary to establish the principle ingrained in our _____ form of government, that the Treaty of the United States with Japan gives the people of that country resident in this, rights within this State, which no law of this State can deprive them of, and if among those rights, the privilege of attending the schools on the same footing with the subjects of the most favored nations is included in terms or by necessary implication the action of the School Board in the premises prohibiting such attendance is illegal.

Hence the sole question for the courts to determine is whether by the terms of the Treaty expressed or implied Japanese children are given or assured privileges which may be or are extended to those of other nationalities in California. If they are, then the State will not be permitted to discriminate against them, and, as has been virtually decided, the Courts and Judges must must so hold, as a matter of duty, sanctioned as well as enforced by their oath of office.

The foregoing discussion has proceeded upon the assumption that the State law Pol. Code Sec. 1864, violates the Treaty of the United States with Japan in excluding Japanese children from the general public schools. As a matter of fact the United States Government has so considered the action of the School Board based upon that section. But if such action is not warranted by the Political Code, then the State law so far as it may concern the Japanese is not in opposition to the Treaty, though the School Board's action unquestionably is so. It is proposed now to show that the State law is not in violation of the treaty for the reason that properly construed it does not and cannot apply to the children of Japanese subjects resident within the State.

The language of the Code is as follows:-

(Here insert P. 39 of Bill in Equity, leaded type.)

The question is who, under this section, are to be considered "children of Mongolian or Chinese descent", and are Japanese children included under this classification.

Mongolia is an integral portion of the Empire of China and is on the Northern boundary of that country, and lies to the East of Manchuria. It is separated from

Japan by the Pacific Ocean, the Yellow Sea, Manchuria, Korea, and the most thickly settled portion of the Chinese territory of which Peking is the central Capital.

Its name Mongolia is used in China to designate the people of Mongolia but it has never been employed to designate Japan or any part of it.

Japan has never owned Mongolia nor any portion of it, nor have the Japanese ever inhabited Mongolia. Who is a Mongolian? Clearly one born in Mongolia or China or born out of Mongolia of Mongolian or Chinese parents. As Japan is not Mongolia it would seem to follow that Japanese are not Mongolians and can not be so classified. They are certainly not Mongolians in a territorial or political or geographical sense and it is presumable the words used in the Statute were not employed in any other sense. If for no other reason because it was unnecessary.

The statute was not drawing ethnological distinctions, for if so, "Mongolians" would not include even Chinese, who ethnographically are known and classed as the Mongoloid or East Asiatic race, as distinguished from the Mongolian race which includes the Manchus, Koreans, Cossacks, Tartars, Calmucks, Turcomans and others, excluding Chinese as well as Japanese.

Many reasons may be assigned to sup-

port the contention that the words "Mongolian or Chinese" as used in the Code, were not intended to mean or include Japanese.

1.- There is a native race in Japan, absolutely auctothonous, called, Ainos and they are white. Many Japanese are descended from them. Mongolians could not include them.

2.- The Chinese or Mongolians have never claimed or admitted or imagined any race relations between themselves and the Japanese, nor have the Japanese ever claimed or admitted such relationship.

3.- The history of the races proves no such relationship, it being extremely doubtful at the present day, what is the origin of the present race of Japanese, though some think they are connected with the people of the Malay peninsular, while others claim they may be the descendants of one of the lost tribes of Israel, but no one has ever asserted that they are descendants of Mongolians.

4.- The languages of China and Japan are as radically different as is English from the Polynesian tongues, which is proof that there is no race connection. Chinese is a monosyllabic language _____ unagglutinative and guttural. Japanese is an agglutinative language, pliable and soft like Italian and polysyllabic.

There are no words in common between the pure Chinese (Kwango) and pure Japanese languages (Yamato Kotoba) and the inhabitants of neither country can converse with those of the other and never could, nor can the Chinese or Mongolians read the native kana or written characters of the Japanese although educated Japanese can read and write the Chinese characters.

5.- The two countries have never been united under one ruler. On the contrary they have been for the most part hostile.

6.- The native religion of Japan is Shinto. That of China, Confucianism, Taoism and Buddhism, differing in dogma, doctrine and ritual, though one form of ancestor worship is not unknown in China.

7.- China has had many different and hostile dynasties: Japan only one dynasty from the beginning, 2500 years ago, and reverently believed to have originated with the Sun deity.

8.- The character of the two peoples is entirely different, owing to the difference in the form of government. China has a patriarchal form and her inhabitants are largely agricultural in their pursuits. Japan, owing to her feudal system, but recently abolished is composed of a large military or warrior class.

9.- There never has been intermarriage between these two nations on any scale of importance.

10.- Japan existed as a nation for centuries before she had any political, social or commercial relations with China. This is a well attested historical fact, nor did China have any knowledge of Japan, until about 2000 years ago in the Chin dynasty.

11.- There have been two famous wars between China and Japan. One in the 13th Century, when Gengiskan invaded Japan and was defeated and the other when Japan invaded Korea and China came to Korea's assistance, when, again, China was defeated. Thus when ever in the past, China and Japan came together it was as enemies.

For these and other reasons that might be enumerated it would seem to be beyond any question that Japanese are not Mongolians or Chinese, or of such descent, (though all are Orientals and Asiatics) and that any theory to the contrary not only contradicts history but violates truth in connection with the manners, customs, traits, languages, instincts, religion, intercourse and pursuits of both countries.

It is a pertinent question to ask, why if Japanese are to be included they were not mentioned in Sec. 1682 of the Political Code? No satisfactory reply can be imagined; and the honest conclusion must be that they were not mentioned because it was not intended to include them.

Certainly it is not the usual ordinary or natural way, to designate them as "Mongolians or Chinese" or Chinese or Mongolians". They are universally designated as Japanese and by that name alone are they either known or recognized.

The history of this legislation (P.C. 1862) will show that the Japanese were not in the minds or intention of the legislature when that Section was adopted. It was directed at the Chinese exclusively, and the word "Mongolian" in connection with Chinese was only used ^{Phonastically: J.P.C.} phonastically and as an alternative designation by which the Chinese should be singled out.

It is inconceivable that if the legislature had intended to include the Japanese it would not have named them, rather than purposely leave in doubt a law designed to cover Japanese, by carefully abstaining from all mention of them.

The play of Hamlet, with Hamlet omitted from the title role is suggested as an analogous comparison.

SYNOPSIS

I.- Sect. 1862 Pol. Code. does not
exclude Japanese from the Schools.

1.- It was not intended to exclude
them.

2.- The whole object was to ex-
clude the Chinese only and Indians.

3.- The language used is "Chinese
or Mongolians" and "Mongolians or
Chinese".

4.- If Japanese had been intended,
the word Japanese would have been used.

5.- The words Mongolian or Chinese
were used in a territorial and politic-
al sense and not ethnologically.

6.- Even if used ethnologically
Mongolians are not Japanese nor are
Japanese Mongolians and it is not the
usual or ordinary or even occasional
way by which Japanese are designated.

7.- When laws are made in order
to apply to a given people, e.g. the
Japanese, who exist as a Nation and
have a government with which our Coun-
try is in treaty relation, that people
are designated and in unmistakable
language and not by a term which would
leave it in doubt whether or not they
were meant.

8.- Even if ethnologically the
Japanese might be considered Mongoli-
ans because they are Orientals and
Asiatics, they are nevertheless not
to be considered by the Courts as
having been intended by the legisla-
ture, when the contemporaneous history
of the legislation unquestionably
proves that Japanese were not in the
mind of the legislature and that there-
fore the word was not used ethnologic-
ally, - and this particularly where the
usual and alternative word for desig-
nating Chinese is Mongolian, and that
word is never used to designate the
subjects of Japan who are usually and
exclusively called Japanese, and where
a natural construction of the language
confining it to Chinese clearly satis-
fies the proved intent and purpose of
the law, which was directed at keeping
Chinese out of the City Schools, its
operation will be limited to what was
then intended.

II.- The practical contemporary construction put upon the law by the very officers charged with its execution, proves that the Japanese were not intended to be included in that law. For, after the Chinese-separate schools were established in San Francisco, Japanese children for years attended the general public schools there.

III.- It is only since the big fire and since the formation of an Ante-Japanese and Korean Exclusion league that the Japanese have been driven out of the general schools.

IV.- The fact that an attempt has been made by these exclusionists to have the present legislature amend the law proves that without an amendment it is considered by the very authorities enforcing it, that, as unamended, it does not, satisfactorily even to them, include the Japanese under its provisions.

V.- If they have their doubts, how much more unwilling will any Court be to enforce a law which those who invoke it admit is so unsatisfactory, because uncertain, that before they can safely rely upon it they must first have it amended .

VI.- Hence as the laws stand it is confidently insisted by the United States Government that it does not fairly apply to the Japanese.

VII.- If the Court can so hold, it will be relieved of the necessity of discussing or deciding any other question.

VIII.- As the question in the case touches the right of the School Board to exclude Aoki from the Schools at the time that right was exercised it would seem that no amendment to the law could make any act, if illegal when committed, legal by subsequently broadening the provisions of the Code; And therefore, if the Court should be of opinion that the action of the School Board was illegal at the time it was committed that would seem to end the controversy.

IX.- If however the exclusion law is presently so amended as to in terms apply to the Japanese, and so compel their attendance at the Chinese schools, then the question may, under the Court's ruling in this case, be presented, Is such law Constitutional?

X.- The State of California gives all residents within its territory whether native or aliens the right to attend the public schools.

XI.- The treaty of the United States with Japan provides with reference to the matter of both residence and travel in and through all the States of the Union that the Japanese shall enjoy the same (not similar) privileges, liberties and rights

as are by treaty given to and enjoyed by the subjects or citizens of the most favored nations.

XII.- It is unnecessary to show that this refers to Education. The language is unusually broad, liberal and plain. all privileges, liberties and rights enjoyed by any nationality here are specifically conferred by the Treaty on the Japanese.

XIII.- It may be that the special schools are just as good as the general schools,- that the Chinese school is even better equipped to teach the Japanese English than are the general English Grammar Schools of the City, to which all other nationalities but Orientals are allowed to attend. That has nothing to do with the question, which is, What are the privileges, liberties or rights of the Japanese in the matter of schools, and not what are the concessions or better arrangements or provisions which the School Board or the State may be willing to make them other than those which under the treaty they are granted and guaranteed.

XV.- We are thus necessarily brought fairly to the question of whether the State law or the Treaty is supreme in a case where the provisions of one and the other conflict.

XVI.- The Federal Constitution provides that a Treaty is the Supreme law of the

land, any Constitution or law of a State to the contrary, notwithstanding.

XVII.- As the Treaty is Supreme and the State law is in direct conflict in as much as it denies to Japanese alone the privilege of attending the white schools, which privilege on the other hand is enjoyed by the subjects of other nationalities resident in California, The State law is Unconstitutional being in defiance of the Treaty which the Constitution declares to be supreme.

XVIII.- It is unnecessary to discuss on authority when it is so well settled in principle.

But we are not without numerous adjudicated cases upon the subject.

(Here insert authorities.)

XIX.- Any other and opposing theory than the Supremacy of the Federal Government in all matters touching our relations with foreign governments would be subversive of our position as a great nation and world power.

If a state can overturn a Treaty our Government is not a Republic of the whole people but a Confederation of States with a veto power in each state upon every attempt of the government to enforce a Constitutional provision.

For if a treaty provision can be nullified by State legislation so can any

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other Constitutional provision for the power of the government is not greater in the latter than in the former. That power in each case has its source in the consent of all the States when they come into the Union. An Investigation will doubtless disclose the fact that the Senators from California at that time representing this State in the Senate, voted to ratify the Treaty with Japan which the constituents of those Senators or at all events the dominant political party in California today is trying to defy and defeat through hostile legislative action.

XX.- If it be for the best interests of the entire Country that the Japanese emigration into the United States be stopped, the general government can accomplish that either through diplomatic channels or through other methods sanctioned by international usage.

Patriotism, as well as our Civilization demand that if we are to alter our treaty relations or agreements with a friendly power all and any changes should be made under and according to law, and by the legally appointed and constituted authorities of this government and not otherwise.