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Department of Justice

Office of

United States Attorney

1 b Northern District of California

San Francisco, July 8, 1907.

The Attorney General,

Washington,

D. C.

Sir:

I have the honor to acknowledge receipt of your telegram of the 2nd inst. reading

"Investigate and report as soon as practicable upon alleged action by San Francisco City official reference to denial employment agency licenses to Japanese."

and in reply thereto submit the following:

1. Sec. 7, Chap. IV, Art. VIII, Charter of the City and County of San Francisco is as follows:

"The Chief of Police shall possess powers of general police inspection, supervision and control, over all pawnbrokers, peddlers, junkshop-keepers, dealers in second-hand merchandise, auctioneers, and intelligence office-keepers. All persons engaged in said callings must first procure permits from the commissioners. In the exercise of such power the Chief may by authority in writing from time to time empower members of the police department, when in search of property feloniously obtained or in search of evidence to convict any person charged with crime, to examine the books and the premises of any such person. Any such member of the police department, when thereunto empowered in writing by the chief of police, may examine property alleged to have been pawned, pledged, deposited, lost, strayed or stolen."

2. On the third day of July, 1906, the Board of Supervisors of the City and County of San Francisco, passed ordinance No. 29 relating to licenses for the sale of liquors, section 6 of which is as follows:

"No liquor license shall be issued to any person who is not a citizen of the United States and who has not been a resident of this City and County for at least one year (1) continuously next preceding the date of application for license, and it is further provided that if any holder of an existing

existing liquor license is not a citizen he must immediately declare his intention to become one and prosecute his application diligently to naturalization, otherwise, his license shall be revoked."

3. Licenses have been granted to Japanese keepers of Intelligence Offices until the recent action of the Board of Police Commissioners.

4. On June 27th, 1907, the Board of Police Commissioners of the City and County of San Francisco refused to issue licenses to keepers of Japanese Intelligence Offices, the reason for such action being contained in their reply to me under date of July 6th, 1907, a copy of which is hereto annexed marked Exhibit A.

5. In the course of my investigation I have placed myself in communication with Mr. Kazuo Matsubara, the Japanese Consul, and have received from him copies of the correspondence passing between him and the city authorities, copies of which are hereto annexed for your information, and marked Exhibit B.

6. I also communicated with Mr. J. F. Nichols, the Tax Collector of the City and County of San Francisco, whose action is based upon the directions to him of the Police Commissioners, and I have received from him copies of the correspondence passing between him and the Japanese seeking licenses, a copy of which is enclosed, marked Exhibit C.

7. In conversation with the representatives of the City Attorney's office of San Francisco, I was advised ^{by} that department that it has not given or been called upon for an opinion in the premises.

8. The documents hereto attached, being all the information on the subject obtainable, show what has been done and the reason assigned by the city officials therefor.

9. I have been advised, through the newspapers, that some of the Japanese, whose licenses have been refused, in-

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tend to bring actions in Court for the purpose of having them allowed, if possible, but of this I have no direct information.

Very respectfully submitted,

Robt. T. Devlin,

United States Attorney.