

The Alien Land Bill in California

The alien land ownership bill previously passed by the California state senate was passed by the California assembly on the evening of May 3d.

Mr. Bryan was present at an open joint meeting of the senate and assembly just before his departure for Washington. The Associated Press makes the following report of this session:

Secretary Bryan, in his address, voiced the president's opinion that the words "eligible to citizenship" substituted in the California attorney general's redraft of the alien land measure for the words "ineligible to citizenship" are equally discriminatory and therefore equally objectionable to Japan.

If a law must pass, he urged that it be limited in its operation to two years in order that meanwhile diplomacy might so improve the international situation that re-enactment by the next legislature would be unnecessary.

This suggestion, which had not reached the president, he said, was made for the consideration of those who have yet to act upon the subject.

"As I am departing this afternoon for Washington, I deem it proper that I should say a final word to you. My coming at the president's request on the mission that brought me, was unusual and yet in the president's opinion not only right in principle, but wise in policy. It was in keeping with his own course in appearing in person to deliver a message to congress. I need not recount the experiences through which we have passed. The legislature, insofar as it has acted has found it inconsistent with its view of its responsibilities to follow the president's advice in the wording of the law which it regards as its duty to enact. While I shall not attempt to form a judgment as to the action of the assembly on this subject, I have so fully presented the president's views that I do not deem a longer stay necessary. On the contrary I feel that I can be more useful at Washington when the president has before him the bill as it reaches the governor if it shall finally pass the assembly.

"I can not, however, take my departure without giving expression to appreciation of the spirit in which as a representative of the president, I have been received and of the courtesies that have been shown me at all times. The amity that has characterized our intercourse is in keeping, I think, with the course that should be pursued by those who, acting under a sense of responsibility about matters in which they are jointly concerned, are unable to agree upon the means to be employed for reaching the end in view.

"The president has impressed on me at all times that I should emphasize the fact that his only purpose is to confer with the legislature as to the national and international phases of the question under consideration, and that he confers as a not unsympathetic friend who desires to aid to the extent of his ability in a matter where he has not only a constitutional duty to perform, but where he may be assumed to be able to judge of the effect of legislation upon our relations with other countries.

"He has pointed out the things which seem to him unwise in the bill that has passed the senate. The first words to which he calls attention are 'eligible to citizenship,' which are as clearly discriminating as the words 'ineligible to citizenship,' against which he so earnestly advises. In the second paragraph the property rights of those therein described are defined as they are defined in the treaty. He fears that this will raise a question of construction and involve the subject in a lawsuit that may be both irritating and protracted.

"I have submitted to him the suggestion—but owing to his absence from Washington just at this time have been unable as yet to secure an answer—that a time limit upon any bill which you might pass might reduce to a minimum the unfavorable influence it exerts, if that influence is unfavorable. If, for instance, any bill that you pass dealing with the subject is limited in its operations to two years, or even four years, but two years would give opportunity for the next legislature to act on the subject—it would afford an opportunity for diplomatic effort with the hope that the situation could be so improved so as to make a re-enactment of the law unnecessary. Assuming

that the people of California will be satisfied to reach the end they desire by methods which will cause the least friction between this and other nations, this suggestion is made for the consideration of those who have to act on the subject.

"If the legislature is willing to avoid the use of the words 'eligible to citizenship' or 'ineligible to citizenship' I am authorized to suggest that the line might be drawn to another point—between those whose right to own land is defined by treaty, the former to be allowed to own according to the terms of the treaty and the latter to be allowed to hold on the same terms that citizens of the United States hold land.

"But the president desires me to keep before you at all times the fact that he would prefer, if consistent with your views of the states' interests to have all action deferred for a time sufficient to permit him to employ diplomatic means."

In summing up Secretary Bryan rehearsed the objections and the suggestions of the president already made public and concluded:

"Having performed the duty imposed upon me by the chief executive of the nation, my work is done. You have listened patiently and now the responsibility rests upon you to do what you deem necessary, recognizing as you doubtless do, that you act not only as the representatives of the state dealing with lands lying within the state, but as the representatives of a state occupying a position among her sister states and sharing with them an interest in and responsibility for international relations.

"You are fortunate in this state in having the initiative and referendum. The initiative spurs you on to do that which you believe your people want done, while the referendum empowers those for whom you speak to put their veto upon your acts if you fail to reflect their wishes. It may be assumed, therefore, that if you feel it your duty to enact any legislation on this subject at this time your people will either manifest their approval by acquiescence or their disapproval by submitting your action to the judgment of the voters by means of the referendum.

"I leave you with renewed assurances of the president's concern in the subject with which you are dealing and my appreciation of the kind reception you have accorded me as his spokesman."

What observations the secretary has to make on his visit will be contained in his report to the president, he had nothing to say of it here.

SENTIMENT IN JAPAN

Following is an Associated Press cablegram: Tokio, May 4.—The Japanese press today expressed a general appreciation of the efforts of President Wilson in behalf of a land bill in California that would be unobjectionable to the Japanese.

Leaders of public opinion in Japan are advising that an attitude of calmness be maintained in the present situation. Such men as Baron Shibusawa and Chairman Natano of the Tokio chamber of commerce, publicly assert their confidence that the American government and people alike are opposed to discriminatory measures of legislation. They declared that every effort now must be made to discover and eradicate the root of antagonism to the Japanese in California that amicable relations may be restored.

AN INTERESTING SITUATION

Following are Associated Press dispatches: Washington, May 5.—The Japanese embassy was supplied by the state department today with a copy of the alien land-owning bill passed by the California legislature, and the ambassador will employ the time between now and Secretary Bryan's return to Washington in preparing a formal protest against the measure. Apparently the embassy has no hope that any word President Wilson may send after Secretary Bryan returns will influence Governor Johnson to withhold his signature from the act, so that the only object of the protest will be to acquaint the American people with the Japanese contention and if possible to influence the executive branch of the government to endeavor to nullify the action of the California legislature. The embassy will make known the ground of its protest in a diplomatic note to Secretary Bryan. It is well understood that to settle the question, no matter what may be the point of objection,

will require the action of the United States courts, and much consideration must be given to the procedure to be followed in arranging for a judicial test of the California law.

It will be for Secretary Bryan to determine whether the United States government itself shall become a party to a suit of this character. International lawyers hint that the administration is in an exceedingly delicate position, for the reason that, while apparently a champion of the Japanese cause through the secretary of state before the California legislature, probably from this point on it must defend the California law against the Japanese diplomatic struggle about to begin. If the department should adopt the California contention that the land law does not violate the existing treaty with Japan then it might feel bound to refuse to submit the issue to arbitration by The Hague tribunal.

Furthermore it is contended that the United States government probably would be unable to enforce the decree of the tribunal in case it should be adverse to California if the American courts found that the state acted within its rights in enacting the law. No case has yet been found where the supreme court has passed upon the relative force of a treaty which invades the reserved constitutional powers of a sovereign state and of a conflicting law of such a state. So the state department has nothing to guide it in that direction and probably must establish a precedent in disposing of this issue.

It developed today that as a result of the centering of attention upon the California situation a number of diplomatic representatives in Washington have been informally discussing and conferring over alleged violations of treaties by many states of the union. Violations are said to have occurred particularly in connection with cases involving the disposition of property of aliens who have died intestate in this country and in which local state courts have taken jurisdiction in defiance of treaties. Altogether there are indications of a feeling of unrest that may lead to demands upon the national government which could not be complied with without a general rearrangement of the functions of both the federal and state government.

President Wilson received today by telegraph a copy of the alien land bill passed by the California legislature, now awaiting Governor Johnson's signature. He let it be known that the federal administration would take no further step until Mr. Bryan returns Thursday with first hand information. Mr. Wilson told his callers that he had not received the formal protest of Japan and intimated that after May 13, the last day for Governor Johnson to sign the bill, some expressions might be expected as to whether it would be in contravention to the treaty with Japan.

In the absence of instructions to the contrary, Ambassador Chinda will not present Japan's formal protest until after Secretary Bryan returns. In the meantime the embassy will have opportunity to acquaint the Tokio foreign office of the exact terms of the bill and conditions in California and in Washington.

Meantime the government's legal experts are studying the Webb bill in an effort to locate what may be points of attack. Many officials here believe the lawyers of the California legislature have succeeded in framing a bill that may successfully resist attack on the ground that it violates any provision of the treaty of 1911 between the United States and Japan.

In that case Japan would need to rely upon the general provisions of international law to secure relief from the threatened discrimination it alleges. In some apprehension that an effort might be made to connect the present case with the recent placing of orders for three dreadnaughts, the Japanese officials today declared these vessels were appropriated for by the last diet before the land legislation began in California and that placing orders at this time was simply in execution of plans to cover a period of years in naval development.

MORE DRASTIC THAN EVER

Phoenix, Ariz., May 5.—To take the place of the unenforced measures enacted a year ago, the lower house of the state legislature passed an anti-alien ownership bill today that is far more drastic than the California legislation on the same subject. The act prohibits any alien who has not declared intention to become a citizen from acquiring title to real property. Opponents of the bill, who wanted to exempt foreigners who were eligible to citizenship, but did not care to forswear allegiance to their native land, were able to muster but six opposing votes. The bill was sent to the senate, where present prospects point to early passage.