

# The SEMI-MONTHLY MAGAZINE SECTION

A Magazine for your Reading Table

## CONTRIBUTING EDITORS' PAGE

### Uncle Sam and the Japanese Landlord

By the Hon. George C. Perkins  
United States Senator from California

THE alien land legislation of California, barring foreigners who can not become citizens, which includes Japanese, from the ownership of land and only allowing three year leases involves three questions: the rights of California, the rights of Japanese in this country and the obligations of the Federal government to Japanese resident here under the American-Japanese treaty.

The control of land that has passed out of the possession of the Federal government has always been under state sovereignty. In whom the ownership shall rest, in what manner it shall be acquired and how it shall be held has always been regulated by state laws. Arizona, Washington and Federal territories prohibit the acquisition of lands by aliens who can not become citizens. For these reasons, California holds the state is within her sovereign rights in passing her alien land laws.

The reasons for the citizens of California demanding the legislation they did was not in my opinion based upon any assumption of inferiority on the part of the Japanese, but arose from problems born of the mixing of more or less unassimilable races. The Japanese are a bright, industrious and highly intelligent race and their adaptation of Western civilization was one of the remarkable events of the nineteenth century.

#### Race Purity the Real Issue

CALIFORNIA believes, however, that their presence in large numbers and their permanent rooting in the soil through the acquisition of farming lands will result in the division of her population along race lines. Unification of different races is only possible by inter-marriage. Californians regard this as impossible and I understand that the Japanese themselves view these unions with disfavor.

How far the mixture of the races has gone is shown by the fact that in one of the grades of the public schools at Florin which Secretary of State Bryan visited there were twenty Japanese pupils in one classroom and only nineteen American children. In Sacramento County, outside the city of Sacramento, the number of births recorded for 1912 were 274, of which 107, or 39 per cent, were Japanese.

The Japanese contend that the treaty gives them the right to own land, but their objections to the alien land legislation is mainly based upon charges of discrimination. This arises from differentiating between those who can become citizens and those who can not, as provided in the naturalization laws of this country, the lower courts so far having decided against Japanese in this respect. It is unfortunate that a friendly na-



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tion should see in this an assumption of inferiority, for in my opinion none was intended. No such charge was made when Congress placed the same provision in the Burnett Immigration bill.

#### The State's Power to Legislate

THE Japanese are furthermore naturally perplexed by the division of power in this country between the Federal and State governments. They assumed that the friendly terms of the treaty estopped any division of this government from passing any legislation considered obnoxious. In addition, the Japanese point to a law recently framed permitting foreigners to own land in Japan, but not yet promulgated by Imperial decree. It is also contended that the Japanese own a very small percentage, something under one per cent, of California land. For these reasons, the Japanese insist the legislation is discriminatory and implies inferiority on their part. I think both the Federal government and California should correct this mistaken impression and show that it is merely the state's objections to mixing races greatly differing in physical characteristics and customs.

The Federal government is of course bound to do everything possible to maintain treaty rights of foreigners. California, however, has shown her desire to observe treaty obligations by twice deferring proposed legislation at the wish of the Federal government. I think in the present case she has also religiously observed national obligations.

The treaty in my opinion does not provide for the ownership of land by Japanese. One clause grants rights to Japanese in this country accorded Americans in Japan. So far, foreigners cannot own an inch

of ground in Japan. It is entirely a treaty of reciprocity and as Japan forbids the ownership of land to foreigners it seems fair to me to prohibit ownership here when done without offence. I think, therefore, California was entirely right in passing the law she did. Our treaty, as a matter of fact, provides only for the leasing of land and guarantees only reciprocal privileges under the statutory laws of the respective countries.

#### The Square Deal for the Jap

THERE are of course national obligations regardless of treaties and one of these is to treat fairly the citizens of foreign countries residing here.

In California, the Japanese have the privileges of all the public schools, the protection of our courts, the recreation of our parks and amusement places, and under the new bill can lease land for three years. The ownership of land does not seem necessary to the happiness and prosperity of the Japanese. War between the United States and Japan is almost inconceivable. When it is understood the present legislation does not imply inferiority, but was merely passed for the preservation of race integrity, which Japan herself fosters by all the means in her power, I think all objections will be withdrawn. There is nothing to arbitrate.

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