

JAPANESE-AMERICAN RELATIONS

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NATIONAL friendships, like national institutions, are a growth. They do not spring into existence "full armed like Minerva from the head of Jove." They sometimes represent the accumulations of centuries and are sometimes of relatively recent origin. But whether they are the one or the other, their strength depends upon the soil from which they derive their nourishment. They are not a result of accident. Whether they depend upon a community of blood, language, ideals or interests, their roots go more or less into the past. Hence it is not to be expected that the present can be understood entirely without some reference to the past.

Until compelled by the United States to abandon her policy of national isolation, modern Japan, or rather the Japan of the modern era, was attempting to live "the world forgetting, by the world forgot." But however much this might appeal to the idealist, it was a dream the realization of which modern development has rendered impossible. The reorganization of industry, the development of trade, the improvement in means of transportation and of conveying intelligence had all tended to break down the barriers between nations. The force of this evolution would of course be greater with reference to an island empire than with reference to an inland state; for other things being equal, the possibility of isolation varies inversely with the degree of accessibility.

To such an extent had the forces working against national isolation gained in momentum in the nineteenth century that the time was opportune for the mission of Commodore Perry in opening Japan to foreign intercourse. She was unable to resist the onward march of events and proceeded with as much grace as possible to adjust herself to the changed conditions. Far from resenting the part played by the United States in bringing about this readjustment, Japan has on different occasions shown her gratitude. Ten years ago she celebrated the fiftieth anniversary of Commodore Perry's visit, and erected a monument to

his memory. The gratitude expressed and her expressions of friendship for the United States had in them the ring of sincerity.

The relations established by the treaty negotiated by Commodore Perry were broadened by the commercial treaties negotiated by Townsend Harris and ratified by the United States and Japan. These treaties were made the basis for the commercial treaties entered into by Japan with the other countries. No one who has studied the text or working of the Townsend Harris treaties will say that there is in them any trace of an attempt to overreach or drive a hard bargain at the expense of a less fortunate neighbor. The commerce which they provided for was not disadvantageous to Japan from an economic standpoint, nor were the trade relations then established ever used by the United States as a means for securing political control over any portion of the Japanese Empire. Instead of attempting to make any part of it a sphere of American interests, we have sought rather to make the whole empire a sphere of American ideas. That we have succeeded measurably in this is attested by the fact that everywhere the Japanese are known as the Yankees of the Far East. In her struggle to rid herself of the hateful handicap of consular jurisdiction, Japan had the sympathy and assistance of the United States. She has paid us the sincere compliment of having hundreds of her brightest sons educated in our institutions, and has sent numerous delegations for the purpose of studying our industries and our institutions. These we have always welcomed and have shown them the utmost courtesy. The results of their investigations have not infrequently been manifest in the changes brought about in the Japanese industrial organization.

The difference in the commodities produced in the United States and in Japan is such as to make the two countries trade allies, i. e., to make them seek to promote rather than place obstacles in the way of trade with each other. To appreciate the truth of this we have but to glance at a list of the staple products of the two countries. Japan produces raw silk cheaply and though the United States has attempted it, the attempts have thus far availed us nothing except to show that either our soil or climate or both are not adapted to the industry. We are

therefore importing about 90 per cent. of the raw silk exported by Japan and making it into fabrics, instead of doing as we once did—purchasing those fabrics from England and paying for them with the products of our farms. We still pay for them with the products of our farms, but it is now simply the raw material that we pay for, giving to our own factories the opportunity of performing the processes which enhance its value. Tea is another staple of Japanese production which has never been raised profitably in the United States, which now takes three-fourths of the tea exported by Japan. There are certain classes of works of art which the United States imports from Japan. These also are not and for a long time will not be produced in the United States. The artistic temperament and abilities of a people are something which do not change rapidly. The whims of fashion may be ephemeral, but the ability to produce and the desire for artistic creations are far more constant.

Japan in turn looks to the United States for the raw cotton so essential to what has come to be one of the great industries of the empire. Most of the flour used in Japan is imported from the United States. The same is true of kerosene, of locomotives, railway rails, and railway equipment.

The effect of this diversity in staple products, reinforced by the fact of geographical location, is evidenced by the statistics of trade between the two countries. According to the Statistical Abstract, the value of the exports from the United States to Japan in 1865 was \$41,913. Forty years later it had grown to \$51,719,183 or a gain of over 100,000 per cent. During the same period the value of the imports increased from \$285,176 to \$51,821,629. After making proper discount for the effect of war, this growth is certainly marvellous. If we take a shorter period, the increase is almost equally marked. Between 1895 and 1905, the exports from the United States to Japan increased in value from \$4,634,717 to \$51,619,683 and the imports from \$23,790,202 to \$51,821,629. Thus during a single decade our exports to Japan increased over 1,000 per cent. and our imports over 100 per cent. If it is objected that 1905 is not a fair year, because of the war, we will take 1912, in which year our exports to Japan amounted to \$57,519,654.

and our imports to \$87,418,042 in value—a very substantial increase in both imports and exports over the figures for 1905.

Though commercial advantage is not the sole determinant of national policies, it is nevertheless an important factor. Among the marked tendencies of the last century has been the increasing influence of commercial considerations in determining the foreign policies of nations. Nor is there any convincing evidence that this tendency has begun to weaken. The advantages of international trade not only reveal a basis for friendship in a community of interests but, by making peoples better acquainted with each other, make closer diplomatic relations possible. Whether or not “trade follows the flag,” treaties follow trade.

Given a traditional friendship resting on the recollection of kindnesses shown and an admiration for achievements, added to a community of interests resting on mutually advantageous trade relations due to a difference in resources and emphasized by the fact of geographical location, it would be most unfortunate if these relations were to be disturbed by hostile legislation and unfair discrimination by a State legislature. But the recent act passed by the California legislature and signed by the governor raises substantially the same question as that raised six years ago by the order of the San Francisco school board in excluding the Japanese children from the public schools of San Francisco. Now as then there is no emergency which calls for drastic action by the local unit. At that time the local unit attempted a discrimination against aliens whose rights were protected by a treaty between the United States and their Government, containing a “most favored nation” clause. That the federal Government had a right to negotiate such a treaty there is not now and has not for a century been any doubt. The treaty-making power is by the constitution conferred upon the federal Government, without limitation. The federal Government had therefore the same power to make treaties as had the Government of other independent states at that time. And at that time, and for a long time previously, other independent states had been making treaties containing the “most favored nation” clause. This power has never been taken away from the federal Government and has been frequently exercised without any question as to the legal

right to exercise it, when considered expedient to do so. Nor is there any doubt that when a treaty containing such a clause is made it becomes, in accordance with the constitution, "the supreme law of the land." It may be unwise for the federal Government to insert such a provision in its treaties, but of this the federal Government and not a State legislature is to be the judge.

In the school case, the matter was finally settled not by the local authorities but by the federal Government, to whom it should have been referred in the first place. The intervention by the local authorities settled nothing. It served merely to cause useless irritation to a friendly state, to embarrass our own Government and to show that the question was one to be dealt with by the federal Government, not by the local authorities. If the rights of California, in respect to matters governed by a valid treaty, were interfered with, they had the undoubted right of appealing to the federal Government for protection, which, if merited, would no doubt have been accorded. But this method was far too tame and prosaic for Californians. They chose rather to make what political capital they could by independent action which would inevitably cause irritation and make the question more difficult of handling; and then, having secured what advertising they could get out of it, they turned the question over to the federal Government for adjustment.

One would suppose that the above experience would have taught the Californians something. But it did not. At the beginning of the present session of the legislature a whole crop of bills, thirty-four in number, was introduced for the purpose of gaining immortal fame and votes for their authors, by insulting the citizens of a friendly state. One of these was a bill to increase the license to Japanese fishermen from ten dollars to one hundred dollars. Another was to place a special poll tax on Japanese, notwithstanding the fact that the treaty of 1911 between the United States and Japan contains the following provision: "They shall not be compelled under any pretext whatever to pay any charges or taxes other or higher than those that are or may be paid by native citizens or subjects." Another was a bill to prevent Japanese from owning power engines, the

purpose of this being to drive them out of the steam laundry business. If such legislation is valid, then any State can make it impossible for aliens to make a living within it, regardless of "most favored nation" clauses in our treaties with the Governments of said aliens. The fact that such bills are introduced indicates not merely a morbid condition of mind on the part of their authors, but is a reflection on the public sentiment of a community which is so far forgetful of its duties to the Union as to tolerate such cheap pettifogging on the part of its representatives.

But as yet these bills have attracted very little attention. The one which has held the centre of the stage is the alien land bill. A protest against this by the Japanese Government led the Administration to request the legislature not to pass it and the governor not to sign it, after it was passed. So much in earnest was the President in preventing any offence to the Japanese Government, or injustice to its citizens, that he sent the Secretary of State, William J. Bryan, to urge the legislature and governor to delay action in order to give the federal Government time for adjusting the matter. But though the request of the Administration was presented with force and tact, it produced no impression upon the minds of those statesmen. From their words and conduct one might conclude that the very existence of the State depended upon immediate action. In the dramatic language of Governor Johnson, "an emergency exists, which we would be blind if we did not see."

With reference to the governor's statement, let us ask ourselves certain questions. First, did an emergency exist? And, second, granting that it did, was it of such a nature that the federal Government was not quite as capable of dealing with it as the legislature of California? Or, at any rate, was it not, in the interests of international harmony, worth while to allow the federal Government an opportunity to make the attempt?

And first as to the existence of the emergency. What are the facts? The Japanese do not according to the most reliable estimates own more than 17,000 acres of land in California; an area considerably smaller than that of a single township. Nor was the area increasing at all rapidly. Neither was it likely to in-

crease, as the number of Japanese in the United States is decreasing. A considerable portion of the land owned by the Japanese in California is owned by George Shima, whose chief offence seems to consist in his having earned the title of "potato king." This title he acquired by reason of having purchased land along the lower stretches of the San Joaquin Valley which hitherto had been considered comparatively valueless because of its being subject to overflow. This he diked and converted into very productive potato land, thereby contributing in some degree to a reduction in the high cost of living.

If a real emergency existed, that is to say if the California farmer is so inferior that he cannot compete with the alien farmer, then the logical remedy would be to pass an act forbidding all aliens to hold agricultural land in California. Such a law would have abundant precedent upon which to rest. Laws of this character are to be found in New York, in Illinois and in other States. This course was recommended to the legislature by Secretary Bryan, but it did not meet the political exigencies of the case—it did not satisfy the morbid cravings of the mob. Something spectacular and original had to be brought forth. And, above all, the Japanese had to be slapped in the face and in such a fashion that they would know that they were the ones who got slapped. This was a *sine qua non* to successful legislation.

In matters affecting foreign relations, if there is doubt as to the right of the local political unit to act, such authority owes it to the federal Government to proceed slowly, rather than hasten to act lest its excuse for action should be removed by a friendly and diplomatic adjustment of the question by the branch of the Government having charge of foreign relations. True, the act of the legislature may be tested in the federal courts and, if in violation of the treaty, its enforcement may be enjoined. This would arrest the mischief at that point, but a part of it would have been completed. The irritation would already have been caused; so that while the State would have derived no benefit, needless embarrassment and annoyance to the federal Government would have resulted. It is not clear to the lay mind why a State should display such over-anxiety to place itself in such a

position. If, after diplomatic means have failed, it should have recourse to this as a last resort, its act could be justified, provided there was a reasonable hope of accomplishing some good by it. By virtue of its position as a State in the Union, California, in common with every other State in the Union, is under some obligations to the federal Government. And among these obligations one is to refrain from making it unnecessarily difficult for the federal Government to conduct its foreign relations, particularly where there is doubt as to the legality of action contemplated by the State.

But, assuming that there were no question as to the legal power of the State to act, there should still be a sufficient comity to impel a State to delay action when delay is asked for by the federal Government. A request by the federal Government for delay in order to give time for diplomatic negotiations looking to a friendly settlement is not such an unreasonable request that it should be flouted as though coming from one having no interest in the matter. If such comity is not to be shown, certain changes in our fundamental law will have to be made providing for a more explicit division of powers between the State and federal Governments. How long it will take to make such adjustments we cannot say. But they will have to be made; and headstrong, reckless action by the States will simply hasten the time.

The possession or fancied possession of power may be a temptation to use it. But it is not always a justification for its use. The Californians may have the power to drive all the Japanese now in that State into the sea, but it would be neither wise nor justifiable for them to do so. They might emulate the action of the mob in Louisiana which lynched a number of the citizens of a friendly state, thereby making the federal Government liable to the Italian Government for this breach of international law. The citizens of one state while lawfully residing in another state are to a certain extent the wards of the state within which they reside. This is well recognized by the political branch of our Government and has been recognized also by the judicial branch. In the case of *Yick Wo vs. Hopkins*, 118 U. S. 356, the Supreme Court of the United States refused to sustain the validity of an

ordinance of the city and county of San Francisco discriminating against the Chinese, though the Supreme Court of California had held the ordinance valid.

In the incident just referred to the federal Government recognized its liability for the acts of the mob and made reparation to the families of the Italians who had been lynched, but when Italy asked that the perpetrators of the crime be punished the federal Government was forced to say that it would recommend to Louisiana that proceedings should be instituted against the mob, but that if Louisiana refused the federal Government would be powerless to comply with the request. This was an awkward and embarrassing situation and one which shows clearly a lack of adjustment in powers between State and federal Governments. It is difficult for us to explain to other states why the Government which is responsible to other states has not the power to make good this responsibility. Eventually, responsibility will have to have coupled with it the power. The federal Government must be given jurisdiction to punish offenders against treaties or recognized obligations under the rules of international law. Likewise the branch of the Government that is intrusted with the negotiation of treaties and the conduct of foreign affairs, and must be held responsible by other states, ought to have the power to see that its treaties are complied with, nor ought it to be hampered in the conduct of foreign affairs by any of its local subdivisions working at cross purposes with it.

The true explanation of this epidemic of anti-Japanese legislation in California is not to be found in any real fear that the Japanese will monopolize the agricultural lands of California or that the ownership of a part of them by Japanese will depreciate the value of adjoining lands, for it does not, as would be the case if they were slovenly farmers. As a matter of fact the Japanese increase the productiveness of lands owned by them, which tends to increase the value of adjoining lands. Neither are the Japanese laborers what can be styled cheap laborers. The Commissioner of Labor for California, Mr. Mackenzie, in his report for 1911 admits that the immigration of more Japanese would be a benefit to the State. It may as well be admitted frankly that the real explanation of the present outburst of anti-Japanese leg-

isolation is to be found in race prejudice. That this prejudice has not a sufficient reason upon which to rest matters not. Prejudices do not rest upon reason, they rest upon passion. If you ask one inoculated with the virus of race prejudice for an explanation of his actions you are met with the statement that it is *natural*. This I deny. If it were natural we should find it in children from one to ten years old, as children at that age are far more natural than older persons. Children do not draw the color line. They play as readily with children of another race as with those of their own. It is only after their conduct is governed by the conventionalities of society that they draw the color line. Race prejudice is a form of bigotry much less defensible or rational than that which afflicted the Pharisee, for the latter based his claim to superiority upon acts, not upon the accident of birth or the color of his ancestors. A due respect for the rights and feelings of others and usefulness in promoting a larger and more perfect life among those influenced by our thoughts and acts, rather than color or pedigree, constitute the only valid claim to superiority among men. Race prejudice is therefore too dim and fitful a light to guide the course of states in their relations with each other.

By some we are told that the land law against aliens "ineligible to American citizenship" would not have been passed but for the protest by the Japanese Government. This is a very lame excuse. If the legislature of the Mexican province of Chihuahua or Sonora were to attempt a legislative programme aimed at citizens of the United States similar to the anti-Japanese programme of the California legislature, the Government of the United States would not wait for the blow to fall, but would protest to the Mexican Government just as the Japanese Government protested to the Government at Washington. What are Governments for if not to safeguard the rights of their citizens? That there was a veiled threat of war in the protest, constituting a challenge which California could not honorably refuse to accept, is a creation for which we are indebted to the yellow press. The protest by the Japanese Government was dignified and diplomatic, and if not, the federal Government, not California, was the one to take exception. The federal Government has not

yet reached the point where it needs a guardian in the conduct of its foreign relations.

Not to be given free rein in dealing with the Japanese may be irksome to California. The presence of Japanese among them may be disagreeable, may be so disagreeable that their impulse would be to proceed at once to a general deportation. It was also disagreeable for South Carolina to pay tariff duties in 1832. But while a State continues to be a member of the Union it may as well expect to bear the burdens as well as reap the advantages of that relation. By far the major part of the sympathy which California now receives comes from a section having an exalted notion of States' rights and what in the language of art would be called an over-emphasis of the importance of the color scheme.

Equally uncalled-for and equally unwise with the outburst of anti-Japanese feeling in California are the intemperate predictions of war with Japan. And unfortunately these have not been confined to the yellow press or the curbstome orator, they have been made by our representatives in Congress. I can understand why the manufacturers of munitions of war should inspire such predictions, but it is far more difficult to understand why a man holding a responsible position like Capt. Hobson should assert on the floor of the House in a speech of February 25, 1911, that the United States would be at war with Japan within twenty months. Of similar tone has been the language of Mr. Sisson, Congressman from Mississippi. Such recklessness by members of Congress is one of the most effective provocatives of war.

War between the United States and Japan is unnecessary and unlikely. The surest guarantee against it is the good sense of the two states. Neither wants war and neither can afford it. Notwithstanding sporadic outbursts on both sides, each still has confidence in the other, which makes it easy to adjust differences. It is to be hoped that the lesson taught by the present strain on international friendships will not be lost and that it will lead to a readjustment of powers between our State and federal Governments which will prevent a recurrence of such unfortunate and awkward situations.

JOSEPHINE BUTLER AND THE ENGLISH CRUSADE

ANNA GARLIN SPENCER

II

MRS. BUTLER was of Huguenot blood, a Grey of the Northumberland district of England, of fine inheritance and delicate breeding. Born in 1828, and dying in 1906, she compassed in her life of intense study and activity the whole great movement of social reform and economic change which has placed women in the centre of social concerns, and has tested democracy by new and vital demands. She married George Butler, son of the Dean of Peterborough, a well-known educator and finally a Canon of the Established Church, although of Quaker ancestry. It was an ideal union in which husband and wife shared in perfect sympathy the trials and persecutions which were a part of the cost paid for the leadership of the movement for the repeal of the Contagious Diseases Act. During Dr. Butler's service as public examiner at Oxford Mrs. Butler was "impressed," as she tells us, "with the one-sided masculine and semi-monastic state of feeling and judgment on many moral and social questions in that celibate place." Later, when her husband was vice-principal of Cheltenham College, their only daughter was suddenly killed before Mrs. Butler's eyes, and the effect for a while was overwhelming. From this sorrow she rallied with the determination to do more for the daughters of other mothers; and when they soon after moved to Liverpool, where Dr. Butler had a large Boys' School, her ministry to unfortunate women began. At first she and her husband took into their home the girls whom they discovered who wished to leave the practice of vice; and later they started a "House of Rest" for the incurably diseased, and an "Industrial Home" for rescue work. This gradually increasing interest in various phases of help for outcast and tempted women led Mrs. Butler to study the continental system of State Regulation, and to see, before many people had discerned it, the fallacious nature of its