In Re TAKAO ŌZAWA, ----

Naturalization of a Japenese ####e

Subject.

33333

Brief,

By

Takao Ōzawa , Petitioner,

The first time I came here,I was not prepared ,but to-day I am.

However,because I am not a lawyer,I do not know how to speak in the Court. Besides that ,English is not my nativ language,so I can not speak as well as Americans do.
I will,however,do my best in defending my case.
Before I go into my main discussion,kindly permit me to tell you the conversation which took place between my friend and myself for I deem it necessary. One day ,one of my friends said # " Did you engage a lawyer "?
I said "No": "Why did!nt you " ? said he, "You know your case is very important. If you lose a bad record will be left in Hawaii; if you win ,the Americo-Japenese question will easily be settled. Therefore ,in order to be successful,you ought to eangage a verygood lawyer. "
"I know that very well", said I, "because it is important case I can not trust it to anybody if I have no ability to defend it myself,I will be good for nothing to the United States,though I be admitted". But I have full confidence that I will be admitted.
"Then,tell me what makes you so confident",said he.
"Well I will tell you then",said I; "If an engaged# woman be always faithful to her engaged man,and he always trying her best in qualifying herself to become a good faithful wife and wise healthy mother,the man ought to wel-

cOme her; he has no reason tp refuse her; if he does ,there is no justice on his part; Is'nt it ?

At present ,I am in similar circumstances as this woman is. I have been in the United States for over twenty years--- over four times more than the required term of residence. But during this long ~~residence~~ years ,I never went back to Japan; ever since I received the declaration of intention paper,over I2 years ago, in order to qualify myself to become a good and useful citizen Of the United States,immediately after I was graduated from Barkley High School in Summer I903,I entered the University of California where I attended for nearly three years until the University was obliged to close its doors by the great earthquake on the I8th April I906. Just one month after this disaster, I left San Francisco for Honolulu.

Although I have been here a little over nine # (9) years, I never reported my name and address & occupation to the Japenese Consulate,notwithstanding all Japenese are requested to do so. Neither I reported my marriage,nor I reported my children's names,although all matters were reported to the American Government.

Because I am going to live permanently in the United States instead of a Japenese woman educated in Japan,I had chosen the one,who was educated in American schools in this city.

At my home,instead of Japenese language,English is mostly spoken so that my children can hardly speak Japenese.

Every Sunday,I sent my children to an American Church,but not to a Japenese Church. When my children become large enough to go to school,I will send them to American School only. For I want them to become good and useful Americans.

Thus, for over 20 years, I have been in the United States without going back to Japan. Ever since I received my Declaration of Intention paper, faithfully attaching to my oath, for over 12 years, I have been living like an American, trying my best in qualifying myself to become a good and useful citizen of the United States. Therefore, I can "only " believe that I will be addmitted by the United Stetes , to whom I am so much attached that the desire to go back to Japan entirely left out from my head ".

" Did you tell all that to the Judge "? said my friend.

" I told him some, but not all, said I, I am going to tell him ALL next time."

"Very good, try your best", said he. Then we parted.

I was often asked some questions by many other Japeneses. Every time I replied same way.

The foregoing conversation will show that many Japenese are taking my case seriously. All of them believe that the best way to settle Americo-Japenese question is to make an earnest request to the United States to allow only good Japenese to be naturalized.

Any genuine diamond is always valuable. But its value will never change whether it be transferred from the Emperor of Japan to the President of the United States. Similarly , the very faithfulness of Japenese to their Emperor is well known fact. But if these faithful Japenese be admitted to this country, they will surely be faithful to the United States, for the quality of faithfulness in them will not diminish.

It is the true wishes of all Japenese to keep "unbroken " the beautiful friendship existing between the United States and Japan

Why Japenese erected the Statete of Comodore Perry ? What does it stand for? Japenese erected the statute of Comodore Perry in order to express their deepest gratitude

towards the United States for what Americans had done for them # in the past. Hence the statute stands for as the token of remembrance to express the profound gratitude of all Japenese towards the United States. Japenese never erected any statute for any foreigner to express their gratitude towards any country except the United States . Hence it will show that the ##### friendship existing between the United States and Japan is more beautiful than that between Japan and other countries. This is why all Japenese wish to keep "unbroken " such a friendship as this. And it is their earnest prayer that the United States will treat Japenese fairly as before and will allow them to become the citizen of the United States. For this reason when my case ##### came up they deemed it an important matter. In order ,therefore ,not to disappoint them , I made a diligent study on my case. The result of it,I am going to report to the Court now.

While I was reading many ##### decisions in favor or against the applicant wishing to be naturalized,I found out that almost all presiding Judges were not careful in construeing the naturalization law. I do not know whether they did it intentionally or otherwise. The majority of Judges construed the expression " Free White Person " as any "White Person",and thought that the law was based on the race classifications. So whenever they were confronted by any aliens other than Caucasians they always based their argument upon this classification. But I am going to prove that the law was not based on any race classification and the expression " Free White Persons" does not mean any "White Person".

Ever since Blumenbuch divided the human being into five races,namely Caucasian, Mongolian, Negro, American and Malay; many other ethnoligists divided the human being into different number of races.

Timaeus made four divisions founded on the color of skin, European,whitish; American, coppery; Asiatic,tawny; African, black.

Cuvier made three, Caucasian,Mongol and Negro.

Others made many more. But none of the ethnoligists ever classified any races as "Free White Persons ". This will prove that the naturalization law was not based on any racial classification for any theory or any law can not be based on nothing . Hence the law aught to be ###### treated independantly from any race classification.

And again,hitherto,the majority of Judges construed the words "Free White Person " as any "White Person". Hardly any of them paid no attention to the limiting word # "Free" notwithstanding a limiting word must always have more consideration than the one limited,that is we must pay more attention to the term "Free" than to "White Person". Since they did not pay much ########## consideration upon the term "Free" they could not find the true meaning of the expression "Free White Person". for if we carefully study the terms"free white persons",we will find a great deal of difference between two expressions,"free white persona" & "white persons". For the sake of clearness ,I will use an illustration. Whenever we speak of white eggs,we ##### mean the eggs having white shells. Hence the term "White" does not indicate any quality of eggs. It only designates the color of eggs. On the other hand ,when we speak of "Fresh white eggs", we mean newly laid eggs. A white egg may or may not be fresh. But a fresh white egg must always be fresh,that is ,of good quality. Hence the term

Fresh white eggs indicate the good quality of eggs. Similarly,in the expresseon,"White Persons",the word "white" designates the color of the person,but not quality. On the other hand,the term "Free" indicates the good quality of the person. A word designating any color and that indicating quality are not same. ~~#####w#####/##/###/#####~~ Thus the expression "free white person" does not mean any "white person". Hence the term "FREE white person " and "white person ~~#~~ ought not to be construed as same. Then what is the true meaning of the term "free white person"?

If it was true intent of Congress to exclude all races except white persons,a limiting word "only" should be used in place of "free",that is instead of "free white person", it should be"Only white person". Again, if the expression "free white person" meant to exclude all races except Causasians there was no necessity of making any special law prohibiting particular nationalities from naturalization . ~~Yet~~ Yet in I882,the Congress made a special law against Chinese. This will prove that the expression "Free White Person" was not used to exclude any race at all. And again at the time the words "To aliens of African Nativity and to person of African decent" was added to the law in I870,why the Congress did not strike out the words "Free" from the law ? For that time the slavery in America as well as in Europe was already prohibited. So the term "Free" was no longer needed in the law. Yet,ever since the first naturalization law was made in I790,the terms "Free White Person" have never been changed until today,notwithstanding the black race was already admitted,and Chinese prohibited. The reason why the Congress did not strike out the term "Free" from the law will prove that it was not used to exclude any slave black or white. Hence it must have some

other meaning. Let us, therefore, find out the true intent of the Congress which enacted the law, and also exact meaning of the expression "Free White Person".

The expression "Free White Person" in the naturalization law of today will also be found in the first naturalization law enacted in I790. Since that time on until now the same # expression has always been used, notwithstanding the terms of residence & requirements have often been changed. Therefore in order to find the exact meaning of the words "free white person and true intent of the Congress, we must go back to the time the ≠ law was made in I790. Any law enacted in Congress is a written statement in which intents of the majority of the legislators present are expressed in a condenced form. So the best way to find out the true intent of the Congress is to read what was said by the legislators in Congress, in regard of the naturalization law made in I790.

At the time the first law was made, all legislators paid considerable attention to the quality of the persons to be admitted, and also upon the term of residence, land-holding & office holding. But no one paid any attention to the race classification

In order to satisfy the Court, I will read what was said in the Congress.

The new law known as the act of I790, provided for the naturalization of "free white person" after two years residence in the United States, upon application to any common law Court of record in the State where they had resided for one year. They were to satisfy the Court of their good characters and take an oath administered by the Court of the United States.

The followings are what were said by the Members of Congress.

I. Seney (Va.) declared that the Congress could fix a long term of residence as preliminary to office-holding under the United States, but could neither lengthen nor shorten the term required by the State. Again asserted the Congress had nothing to do with prescribing the qualification for Stete office.

2. Smith (S.C.) stood alone in asserting that the uniform rule of naturalization would make a uniform rule of citizenship for the whole continent and decide the right of foreigners generally.

3. Tucker (S. C.) cited the Constitutional provisions as to the voters as proof that the State and not Congress was to define the privilege under naturalization.

Throughout the debate the principal right involved in citizenship ragarded as land-holding & office holding. Only occasionally did suffrage as an independant right receive notice.

Apart from the constitutional question considered above , every point had to be considered ### with reference to its effect on imigration. The problem was to adjust the nauralization law so as to gain the maxium advantage from immigration with least harm or danger to republican government and ~~investigation~~ institution, and to the other interest of the country.

Page (Va.) held that Eur-opean policy does not apply here, and that more liberal system was permissible. It was inconsistant with the claim of Asylium to make hard term. These would ## exclude the good and not the bad. He would welcome all kind of emigrants . All would be good citizens.

Lawrence (N.Y.) declared that they were seeking to encourage emigration, but that the term of residence in the bill would tend

to restrain it, The new commers ought to vote as soon as he was taxed. He was not likely to leave the country after taking oath that he intended to reside in the United States. All commers rich or poor would add the wealth or strength of the country. The evil to result from restraining immigration was greater than the benefit from a term of residence. conduct coulæd be restrained by law.

Smith (S. C.) urged that the intention of the motion they were considering was to permit land purchase and holding.

Clymer (Pa.) would admit to citizenship gradually, and suggested that it might be well to admit person to hold land without ever coming to the United States ,as Pennsylvania had done. It would result in easy borrowing.

On the other hand ,the danger to be apprehended from foreign born citizens who might be lacking in character ,in knowledge of and attachment to ,free institution or in a steadfast purpose to reside in the United States ,or who might be pauper or even criminal were strongly urged by a majority of the speakers.

Roger Sharman (Conn.) presumed that the intention of the constitutional provision was to prevent states from forcing undescribable person #### upon other States. It was to guarde against an improrer mode of naturalization rather than to provide easy term. Congress would not compel tha State to ######## receive emigrant likely to be chargeable. It would be necessary to add a clause to provide for such.

Hartley (Pa.) opposed admission to all of the privilege of a citizen without a residence requirement. To have such requirement was the practice ~~was the practice~~ of almost every state. All morden experience had shown the propriety of a line between

the citizen and alien. It would not be so bad if only land holding were involved,but voting was involved. Even if the foreigner was qualified to vote,there could be no hold on his attachment to the government,and hence no assurance of a good citizen,without requiring a term of residence in which he might come to esteem the government.

Medison--- believed it necessary to guarde against abuse. They would induce the worthy of mankind to come, the object being to increase wealth and strength of the country. Those who would weaken it were not wanted. If only an oath required , alien might evade the laws intended to encourage the trade of citizens, and thus have in trade all advantage both of citizen and alien. It was a simple question that was before them # whether residence was a proper quality . He had no doubt that it was.

Jackson (Ga.) wanted the term citizen to be venerated. He favored a term of probation and testimonial at the end of it. And would have the grand jury or the district courts decide as to the character.

Stone (Md.) would give property right after six months residence requiring an oath of allegiance and of intended residence. For voting and office holding he would require 7 years residence, following the example of the Constitution in this respect. An emigrant desiring property and not political right. Before he was granted the latter, he must have time in which to know the government.

Burke (S.C.) said that one year was too short a residence requirement ,and seven years were too long. The term ought to be two or three or four years.

Sedgewick (Mass.) opposed admitting the out-cast of Europe. There was no necessity of peopling the United States thus. He favored guarded admission and term of probation.

Bandinot (N.Y.) opposed the amendment. He would rather increase the term of residence to two years,and omit the office holding restriction. One member proposed #### to receive farmens,manufacturers,and mechanics on terms,but to exclude merchants,facters,and criminals.

Thus the foregoing discussion will sufficiently prove that the lagislators paid much attention upon the quality of aliens,and the term of residence,land holding, and also office holding etc. But they paid no attention as to the race classification.

Within but I2 years after the first naturalization law was made,it was changed four times. But not one time any race question was brought up. Every time ,the term of residence, person's quality,and attachment to the United States were mostly discussed.

I will briefly state what was said in Congress each time the law was passed.

Five years after the first law was made, Dexter (Mass.) introduced the debate in Committee of whole. He earnestly called the importance and necessity of amending the existing law. He described the present easy access to citizenship as dangerous and insufficient to prevent persons from being incorporated with American People. Longer term was absolutely necessary in which to detect person lacking natural attachment. [illegible] against the United States.

The importance of the general subject was emphasized by declaration that America was the last and only asyrium for vagabonds and fugitive,and that the establishment of uniforn rules of naturalization was one of the grand object of the constitution. His motion to strike out the two-year residence requirement, leaving the blank to be filled later ,was sopported by 49 members.

Tracy (COnn.) did not favor perpetual allegiance; nevertheless,he thought it ill policy to admit a man back after he had ########## expariated himself,when he must have lost real attachment to any government. The bill passed rapidly through the Senate. There was debate on motion in interest in the first section. "That no aliens shall hereafter become a citizen of the United States or any of them , except in the manner prescribed by this act. It was agreed,however, to insert the words"any of " after "citizen of" in the clause that as amended read,that any ####### alien,being a free white person,may be admitted to become a citizen of the United Stetes,on the following condition etc.

Again in I798,when,Federalists got a great power in Congress the law of I795 was repealed and that of I798 was substituted. By this law ,term of residence became I4 years instead of 5 years.

The committee declared that by the act of I795 aliens were permitted to become citizens of the United States when there was not sufficient evidence of their attachment to the laws and welfare of the country to entitle them to a privilege and that a longer residence before their admission was essential.

And again ,4 years later inI802 when Thomas Jefferson became the President of the United States,he ordered the law of I798 to be repealed and the law known as the Act of I802 was made. Since this time on the term of residence (five Years) has never been changed till present day.

Jefferson intention to repeal the Act of I798 is expressed in

his message at the opening of Congress in December I80I. The portion of which I will read now.

Jefferson wrote "I can not omit recommending a revisal of the laws on the subject of Naturalization. Considering the ordinary chances of human life, a denial of citizenship under the residence of fourteen years is a denial to a great proportion of those who ask it, and controls a policy pursued from their first settlement by many of these States ,and still believed of consequence to their prosperity;and shall we refuse to the unhappy fugitives from distress that hospitality which the savage of the wilderness extended to our father arriving in this land? Shall oppressed humanity find no asylum on this globe?

The constitution,indeed, has wisely provided that for admission to certainoffice of important trust a residence shall be required sufficientto develop character and design. But might not the general character and capabilities of a citizen be safely communicateed to every one manifesting a "bona fide" purpose of enbarking his life and fortune permanently with us,with restriction,#### perhaps,to guarde against the fraudulent usurpation of our flag, an abuse which brings so much embarrassment and loss on the genuine citizen and so much danger to the nation of being involved in war that no endeavor should be spared to detect and suppress it.

The paragraph were referred to the Committee of whole house on the state of Union,which reporteed a resolution that the laws respecting naturalization ought to be revised and amanded.

The vote by which it passed was 59 to 27 at "House" and Senate I8 to 8.

Considering carefully what Thomas Jefferson wrote in his message,we can easily see that he never had any race predudice; so of course he never had any intention to exclude any races

when he signed his name on the bill.

Thus,foregoing reports will sufficiently prove that the true intent of Congress was not to exclude any race,but to admit any person who shall always be faithful to and try his best for the welfare of the United States.

If so, why the words "Free White Person" are used instead of "Any person" in the law? The expression "any person" does not indicate any quality of a person. He may or may not be good. On the other hand,considering carefully what were said in the Congress in I790,I795,I798 and I802,in regard of the person to be naturalized- that is Congress did not want any paupers,loafers and criminals,we will find that the expression "freewhite person was used in the same sense as it was used in the "Articles of Confederation" which was enacted in I778 and was in force until two ## (2) years before the first naturalization law was made in I790. The provision of the Article of Confederation (in the fourth article) was that the "free inhabitant" of each State (pauper ,vagabond, and fugitive from justice exceptd) shall be entitled to all privileges and immunities of "free citizens# " in the several States. Here ,pauper,loafers,criminals were excluded from "free inhabitants of free citizens". Hence the terms "free inhabitants" were used in the same sence as independent,industrious,good inhabitants,in opposition to pauper,and loafers and criminals respectively. But the fifth section of the ninth Article provides that the Congress should have the power to agree upon the number of land forces to be raised,and to make requisition from each State for its quota in proportion to the nimber of "White inhabitants" in each state which requisition should be binding. Here,the terms "White Inhabitants" were used to include all classes of white persons,that is free inhabitants as well as paupers,loafers etc.

Since free inhabitants are one class of "white inhabitants" they can be called as "free white inhabitants." But the term inhabitants means a person who lives permanently in a place. So the words "free white inhabitants" can be construed as free white persons. Hence the terms "free inhabitants" can be construed as "free white persns." Therefore the expression "free wite person" in the naturalization law was used in the same sence as "free inhabitants, or independent, industrious, good person who will live permanently in the United States. Thus instead of the expression "any person" the words "free white person" are used to exclude improper persons and to welcome respectful persons who will live permanently and will do their best for the welfare of the United States.

This, I believe is the true interpretation of the terms "free white person in the law.

However some people may still want to know with what sence the term "white" was used in the law, so I have to explain it.

In the Constitution of the United States, I never find a term "American." In the Article 14th of the Amendment there is the provision that all person born or naturalized in the United States and subject to the jurisdiction thereof, are the citizen of the United States and of the State wherein they reside. But the Article never say that these citizen shall be called "Americans." Yet, the people of the United States as well as those of other countries, have always been calling the citizens of this country as "American" both in writing and speaking, Notwithstanding Blumenhuch and Cuvier classified Americans as "red race" or Subdivision of Mongolian Race respectively.

What does this imply ?

This means the people of the United States as well as those of other countries pay no attention to, or are entirely disregarding any racial classification.

For this reason, at the time the first law was made and also at the time it was changed a number of times, no race question was discussed. Hence the term "white" was not used to exclude any race at all. It was used simply to distinguish black pelple from others, as it was used in Arkansas Statue 1891, which provide that all person not vididly African shall be deemed to belong to "white race."

And again, the Constitution of Oklahoma Act of 1891 read as follow.

Whenever in this Constitution and laws of this state, the words colored or colored persons, negro or negro race are used, the same shall be construed to mean to apply to all persons of African decent. The term "white" shall include all other persons.

Considering carefully why the legislators paid more attention upon the quality of the person to be admitted and term of residence - office holding, land holding etc and never paid any attention upon race classification, and also judging from the fact that the people of the United States have always been calling themselves "Americans" discarding any race ckassification, we will naturally come to conclusion that the naturalization law was not based on any theory on human beings and that the term "white" was not used to exclude any race, but it was simply used to distingush, black people from others, as it was used in Arkansas Statue and also in the Constitution of Oklahoma.

I believe this is the true interpretation of the term "white" used in the naturalization law.

For there is no absolutely white person, nor absolutely yellow person existing on this earth. The color of skin is controled by climate. On account of climate in Hawaii, all people living here are becoming either darker or more brown than they were before they came here. It is an undeniable fact that if any Japanese go to the mainland and stay there a few years and come back to Honolulu, he will surely be much whiter than some of so called "Haoli" or "white person" here.

If we look the Century Dictionary published in 1911, we will find four classes of white races, namely

American --- pale white.
Italian --- brownish white.
German --- Florid - rosy.
Chinese --- yellowish white.

As far as "only" color concern, the color of Japanese is nearly same as Chinese. Hence Japanese are now classed as yellowish white race.

I believe this classification seems fair, for among so called white person here, I found many who are either more red or more brown than myself. But we must remember that the color of skin is controled by climate, so if any so called white race stay in Hawaii island for many many years their color of skin will gradually become as dark as any native of Hawaii.

In his "The Jew" a study of race and Environment, M. Fishbery says : it is an undeniable fact that the cast of countenance dependent as much, probably more, on the

social Milien than on anthropological traits. Moreover, the case of countenance change very easily under a change of social environment. I have noticed such a rapid change among ~~immigrats~~ immigrants to the United States.

This new phisiogromy is best noted when some of these immigrants return to their native home, they radically differ in appearence from their compatriots who have not been in the United States.

This fact offers excellent prof that the social elements in which a man moves exercise a profound influence on his physical features. We have seen that to-day the bulk of the Jews who have lived for centuries in Asia present predominently an Asian physical type. And European Jews are mostly of the anthropological type met with among European race. In conclusion he says "Anthlopologically the Jews are not a race." This will also prove that there are not absolutely white persons or absolutely yellow persons.

The original color of skin and countenance of all human being change as they move from their ~~nature~~ native home to other climates. Therefore any theory proposed by any ethnologist is not stable. Hence we can not always depend upon it.

A little over five years ago, Judge Lowell of Massachusetts said (in re Murarri January 8,'10) "To make naturalization depend upon race classification is to make a important result depend upon an application of any abandand scientific theory a cause of preceeding which surely bring the law and its administration into disrepute." I believe what Judge Lowell said is absolutely right.

It is an undeniable fact that the people of the United States are not all white persons. They are composed of all kinds of human beings. More than 1/10th of the population of this Union are black race. Many thousand belong to Malay race. In fact, almost all races can be found among the people of this great republic. Hence we can not justly classify the people of this Republic as either white race or as Mongolian etc.

Indeed, not one ethnological name can be ~~abblied~~ applied upon the people of this country so as to cover them all.

Similarly Japanese are composed of many races. In local language, in color of skin, in shape of face etc., those who live in southern part of Japan entirely different from those living in central or northern part of Japan. Among Japanese we will find many Europeans naturalized or born in Japan. We also find many other races. So we can not class them as either Malayan or Mongolian or Caucasians. Hence we can not apply just one ethnological name upon them, so as to cover them all. Those who live in central and northern part of Japan are much white than some of so called white person in Hawaii. Therefore the terms "white person" can not justly be confined to Europeans or their desendants. Since Japanese are composed of many races having different type and complexion, if all Japaneses be classed as Mongolian race, and if the United States makes naturalization law depending upon any race classification, the law can not be excuted properly. For if a native Japanese of European descent come to America and apply for naturalization, any judge can not admit him nor refuse him without violating

the law. Because if a judge admit him, he is admitting a Japanese whom careless Blumenbuch and others classed as Mongolian race. Hence he is violating the law which provide that alien being free white persons and aliens of African nativity and persons of African descent shall be naturalized. If the judge refuse this Japanese of European descent, he is refusing white person. Hence he is also violating the law.

Thus if the naturalization law be made depending upon the race classification, it can not be excuted properly. Now can we justify to suppose that the great founders of this great Union were so careless as to have made the naturalization law depending upon race classification which they were discarding ? For the honer of these great founders I dare deny such disgraceful supposition. Because the founders of the United States were more careful, more far-sighted and more broad-minded men than we suppose now. It was Thomas Jefferson, one of the great founders, who wrote the famous Doctrin of Liberty and Equality which made all Japanese of today much happier than those of old day. It was careful Jefferson who disproved Buffon's theory on American Animals. Buffon was known as a great naturalist in France. He had a theory that animal degenerated in America. This theory was accepted by many. Yet, our noble Jefferson never believed it. So obtaining the bones, skins and horns of some of large American animals such as moose and elk etc., presented them to Buffon who on examining them admitted that he would have reconstruct his theory on the subject of American animals.

Why Buffon made such disgraceful mistake ? Because he never came to America and study the animals here himself. Why Blumenbuch & Cuvier and others theories on human being are discarded now ? Because without going out from Europe, they tried to classify the people living in different climates. Now who dare say that thoughtful Thomas Jefferson, the writer of and profound believer of liberty & equality, and true lover of humanity, had signed his name on the bill known as the Act of 1802, with an idea to exclude all races except Caucasians ? Any person, who say so is surely insulting our great founder. Judging carefully from what he had writen in his messages to Congress in regard of the Naturalization law in 1801, and studying carefully his whole life we will naturally come to conclusion that he never signed the naturalization law depending upon the race classification discarded already by his contemporaries. From the bottom of my heart, I defend the honor of this great Republic by declaring that the great founders of this great Union never made the Naturalization law depending upon any race classifications which have hardly any merits.

Now I believe I have sufficiently proved ---

(1) "that the naturalization law was not based on any race classification;"

(2) And that the term Free white person" were not used with an intention to exclude any race;

(3) And that the expression "free white person" delived from the terms "free inhabitants" with the meaning as an independent, industrious, good person who will live

permanently in the United States;

(4) And that the term "free" was used to exclude pauper, loafer criminals, and the term "white" was used simply to distinguish black race from others;

(5) And that to make naturalization depend upon race classification is to make a important result depend upon the application of any abandant scientic theory, a cause of preceeding surely bring the law and its administration into disrepute;

(6) And that according to the morden race color classification, Japanese belong to one of four white race.

There is not a special law prohibiting Japanese from naturalization. And also there is not one Supreme Court decision against Japanese from naturalization. So that during last 20 years over 50 Japaneses were naturalized. Against these large number, only three Japanese were refused. This fact will prove that Japanese can be admitted to the United States, if the law be properly construed.

As every body know, Washington Irving was true husband of Miss Matilda Hoffman "not in name", but in reality. In fact, he was much truer husband than a married man who has a sweet heart or sweet hearts besides his wife. Similarly, at present I am not an American "in name", but in reality, I am true American already, preparing to do a certain thing, which if caried out, will surely bring an honor to the United States. According to the morden color classification, I belong to one of four white races. As I said before, I have been in the

United States for over 20 years without going back to Japan, and ever since I received the Declaration of Intention paper, for over twelve years, faithfully attaching to my oath, I have always been living like an American, trying my best in qualifying myself to become a good and useful citizen of the United States to whom I am so attached that the desire to go back to Japan entirely left out from my head. So I sincerely hope, that the United States will admit me.

In the book which I handed in at the Court last Saturday, I had written almost all what I wanted to say. But some part I did not explain fully. So in order to make every point very clear I have written this again.

As the result of my careful study on Naturalization, I came to conclusion that I am fully entitled to be admitted to the United States under existing law.

According to Dr. Scudder's statement appeared in Star-Bulletin dated January 29, 1915, over 50 Japanese have already been Naturalized in the Mainland. I succeded in getting 14 names of them as mentioned on the other page.

Against these large number only 3 Japanese were refused; one in Massachusettes in 1894 (In re Saito) and two othersin Washington (In re Yamashita 1902, and Kumagoi in 1908). The last two were refused in the heart of the State where un-American and un-true Christian spirits were strong-namely "race prejudice".

While reading many decisions in favor or against the Applicants for Naturalization, I found out that almost all presiding judges were not careful in construing the Naturalization law. They never paid any attention to the limitting word "free" . All of them construed the term "Free White Person" as "White Person" not-withstanding each expression has entirely different meaning as shown in my first book. So of course their decision can hardly be justified, no matter how skilfully each argument be concluded.

For instance, In re Saito, C. J. Cold (in 1894) said that the Japanese like Chinese, belong to Mongolian race, and question presented is whether they are included within the term of " White Person".

Again, in re Kumagoi (163 Fed., 922, 924) the Judge said "The use of the words "White Person " clearly indicate the intents of Congress to maintain a demarcation between races, and to

extend the privilege of Naturalization only to those of that race predominating in this country.

In re Nagawo, Dec. 1, 1909, Judge Newan said "In admitting to Naturalization the petitioner, C. G. Nagawo, I wish to say this- although the Free White Person is used in Rev. St., this expression, I think refer to race rather to color, and fair or dark complexion should not be allowed to control, provided the person seeking Naturalization come within the classification of the White or Caucasian race and I consider the Syrian as belonging to what we recognize and what the world recognize, as the white race.

And again, in re Kanaka Niau (5th Utah 259-261). And also in many other cases, no judges paid any attention upon the term "Free". Indeed, they never tried to find out why and with what sence it was used, where it derived from .

Any law enacted in the Congress is a written statement in which all the intents of the majority of the legislators present are expressed in a condensed form. Therefore, every word in any law must be carefully considered. Otherwise the true intent of Congress cannot justly be construed, that is, the true meaning of the law cannot be found.

Because all the Judges thought that the expression "free white person" meant "white person", they could not realize that the naturalization law was not based on any race classification. Hence they committed in making disgraceful decisions which are certainly against the spirit of the famous doctrine of Liberty and Equality, and also that of Christian teaching.

As I pointed out in my first book, the term "Free White Person" derived from the term "Free Inhabitant" used in the Articles of Confederation, and the term"Free" was used not in the

sence of liberty, but to exclude paupers, loafers and criminals, with the meanings of independent, industrious and goods; and the word "White" was used simply to distinguish black people from other people as it was used in the Constitution of Oklahama and also in the Arkansas Statute.

Under Michigan Constitution a person having less than 1/4 of African blood is white person.

(in case People -vs- Dean)

14 Mich. 406, 426)

In Kentuckey,

A Person having 1/4 of African blood is not white person. in another words, person having less than 1/4 of African blood is whte person.

(In case Genty -vs- McMinis)

3 Dona (Ky) 382-385)

In Louisiana.

if the proportion of African blood did not exceed one eighth, the person was deemed white.

In re Canville,

6 Fed. 256, 258.

In Ohio,

All persons in which white blood predominates or where it amount to over 1/2 are white persons.

(1) (Monroe -vs- Collis)

(17 Ohio St 665, 686)

(2) (Anderson -vs- Milikin)

(9 Ohio St., 568, 569)

(3) (Lane -vs- Baker

12 Ohio 237, 243)

(4) (Gray -vs- State

4 Ohio 353, 354)

(5) (Wiliam -vs- Whitenwater)

6 Wright (Ohio 578, 579)

In Maine,

A person having but 1/16 or 1/8 of colored blood is a white person.

(in case Bailey -vs- Fisha

34 Mc. 77-78)

In Arkansas

(in case Du Val. Admr. Etc -vs- Johnson,

39 Ark. 182, 192.

In this case, Circuit Judge J. H. Rogers said "White" as used in legislation of the Slave period meant person without mixture of colored blood (negro) whatever actual complexion might be. Thus the above citations will sufficiently prove that the term "White Person" were used to include all persons other than black people. This is why many Japanese were already naturalized in the Mainland. Therefore, as long as there is not a law against Japanese from Naturalization, all good Japanese who will do their best for the welfare of the United States ought to be admitted, being included within the term of "white person"

Indeed, according to the Morden color ~~xxx~~ classification (see Century Dictionary Vol. 8 published in 1911) Japanese are now classed as one of the four white races, namely

(1) American----------Pale White

(2) German----------Florid or Rose

(3) Italian----------Brownish white

(4) Chinese----------Yellowish White

As far as only color concern, Japanese are nearly same as Chinese on account of climate, so Japanese are now belong to one of four white race existing on this earth. Strictlym however, there is not an absolutely white person in ~~xy~~ this globe, as I pointed out in my first book.

Some Morden ethnologists indeed, ~~rege refect~~ reject altogether the Caucasian or White.

Ripley, for example, in his, The Race of Europe" asserted that there is no European or White race, and that there are three great races to be found in Europe, one of which may have come from Africa etc.

Topinard as quoted by Ripley, has said: "Race in the present state of thing is an abstract conception, a notion of continuity in discontinuity, of unity in diversity. It is the rehabitation of a real but directly inattainable thing.

Since ~~xx~~ there is not an absolutely white person existing on this earth, all so called white persons must be, in fact, are more or less colored person.

This is why morden ethologists made out four white races, and among ~~xxx~~ one of these races, Japanese are now included.

Hence until any special law be made against Japanes as it was made against Chinese, all good Japanese who will be faithful to the U. S. ought to be admitted under the existing law.

The act of May 6, 1882, chap 126, Sec. 14, declares that hereafter no State Court or Court of the U. S. shall admit Chinese to Citizenship, and all laws, in conflict with the act are hereby repealed. Thus, by special law ~~xx~~ all Chinese are prohibited from Naturalization. But the term Chinese used here meant the persons belonging to the Empire of China now called Republic of China. Hence the term "Chinese" does not include all other Nationalities in Asis.

Therefore, to apply this Chinese prohibiting law upon other nationalities is decidely un-just.

Since there is no law prohibiting Japanese from Naturalization and there is no Supreme Court Decision against Japanese and also there is no so called gentleman agreement between the United States and Japanese and again, as I stated before, the term "White person" was used to imclude all people except black people, and also according to the Morden color classification. Japanese belong to one of four white races, I believe, I am fully entitled to be admitted to the United States to whlm I am so attached that the desire to go back to Japan entirely left out from head.

What the United States will gain by humiliating Japanese whom our Uncle Sam assisted to become one of the five great Powers?

The United States will gain nothing. She only creates bitter feeling in the minds of Japanese against the United States. Thus transforming a good friend into enemy.

She only make Japanese to disrespect American people.

She only creates ill feeling in the mind of Japanes against so called European Race.

What will be the final result?

The final result will be the greatest war between the European and Asiatic ~~peiope~~ people.

What then?

Hardly necessary to explain, On the other hand, if the United States treats Japanes "fairly" as she did before, what will she gain?

Japanese will surely respect American People as ever before.

Peace between the United States and Japan will forever continue.

Peace between the European races and Asiatic will also continue.

What then?

The people of this world may able to live much happier than they are now.

Thus, a greatly different results shall be obtained by humiliating and by treating "fairly" The fair treatment is what Japanese wanted more than any things else.

For the safety and honor of the United States, I sincerely hope that the United States will treat Japanes "fairly".

UNCOMPLETED LIST OF NEUTRALIZED JAPANESE IN THE UNITED STATES.

Name	Original domicile in Japan.	Latest address in America.	Date of landing.	Date of Naturalization.	Court which granted naturalization
Nameo Besho	Kagawa Prefecture.		1886	1901	Supreme Court of D.C.
Kikujo Minami	Ishikawa Prefecture			Jan. 13, 1906.	Circuit Court, Pa.
Kinichiro Nagao	Nigata Prefecture	Training Station, Newport, R.I.	October 1888	1901	Eastern District Court, Brooklyn, N.Y.
Katsukichi Minomya	Hiroshima Prefecture		1888	June 1899	ditto
Rokutaro Shimizi	Ishikawa Prefecture	103 Bridge St., Brooklyn, N.Y.	1893	June 15 1900	ditto
Toyohiko Takami	Kumamoto Prefecture	182 High St. Brooklyn, N.Y.	1892	June 1899	ditto
Tomizo Katsunuma				Aug. 4, 1895	District Court of the 1st. District of Utah.
Eijiro Tatsumi	Ishikawa Prefecture	Medford, Oregon.		1897	San Francisco, Cal.
Takuji Yamashita				May 14, 1902.	U.S. Circuit Court, Pierce County, Wash.
Ototaka Yamashita					
Hiyosaburo Kawano					

Name	Original domicile in Japan.	Latest address in America.	Date of landing.	Date of naturalization.	Court which granted naturalization.
Hachiro Conuki					
Seizo Matsumoto				Jan. 1896	Pierce County, Washington.
Kamenosuke Minakata.				Oct. 21, 1904	District Court, of St. Paul, Minnesota.