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Diplomacy begins at home : San Francisco, Theodore Roosevelt and Japan

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DIPLOMACY BEGINS AT HOME:
SAN FRANCISCO,
THEODORE ROOSEVELT,
AND JAPAN

A Thesis

Presented to

The Faculty of the Department of History

San Jose State University

In Partial Fulfillment

of the Requirement for the Degree

Master of Arts

by

S. Rand Berner

May 2007

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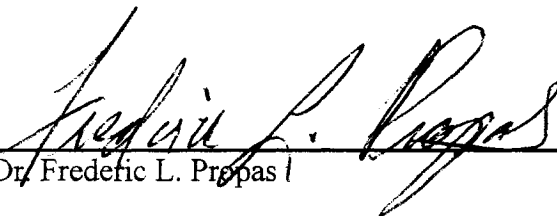
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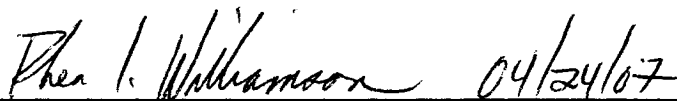


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ABSTRACT

DIPLOMACY BEGINS AT HOME:

SAN FRANCISCO,

THEODORE ROOSEVELT,

AND JAPAN

by Randy Berner

In the early 20th Century, Japan and the United States both claimed new influence in the Pacific region, and each country carefully endeavored to maintain their mutual friendship. However, in October 1906 the city of San Francisco segregated Japanese schoolchildren, deeply offending Japan. The Japanese Government called on Theodore Roosevelt (TR) to compel the city to rescind the order, and rumors of war increased as the diplomatic situation was bogged down by constitutional prerogative.

The focus of this study is to examine the pressure TR brought to bear on the San Francisco Mayor, Eugene E. Schmitz, and the week of negotiations between these two leaders. By closely examining the press coverage of the event, especially from the point of view of the embattled mayor, this study seeks to offer a new perspective of the varying influences affecting the negotiations and their consequences for foreign relations.

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INTRODUCTION

In the first years of the 20th Century, economic and diplomatic currents rapidly shifted along the Pacific Rim. Two nations, Japan and the United States, had proven their industrial and military might against European monarchies from 1898 to 1905, joining other imperialist "world powers" in East Asia's complicated geopolitical landscape.¹ After 1905, Theodore Roosevelt strove to establish a strong, respectful friendship with Japan, but he found that domestic forces, such as labor interests and racism, often interfered with these efforts, and courteous diplomacy was often replaced by mutual suspicion.

One incident, in particular, created a serious crisis for TR. In late 1906, amidst a yearlong anti-Japanese movement in San Francisco, the city's board of education voted to segregate Japanese children into "Oriental Schools." Responding to the harmful effect this would have on American diplomacy with Japan, the president publicly pledged that he would bring about the naturalization of Japanese immigrants as a way to appease the Japanese. Shortly thereafter, Roosevelt tried to convince the Mayor of San Francisco Eugene E. Schmitz to rescind his city's order, clearing the way for an amicable immigration agreement with Japan. However, the San Francisco school segregation crisis of October 1906 to March 1907 forced the Roosevelt administration to allow domestic pressures to steer foreign policy, especially in the area of immigration.

¹ The United States gained the Philippines in the Spanish-American War and annexed Hawaii in 1898. Japan proved itself against the Russians in the 1905 Russo-Japanese War, gaining it world prestige.

During a week of negotiations between TR and Schmitz, the mayor extracted immigration exclusion arrangements in return for the partial desegregation of the city's schools. As the negotiations progressed, the local press, which had allied against his administration at the urging of a well-organized reform movement, unfairly accused the mayor of "surrendering" to TR. These allegations caused the mayor to assert, even more resolutely, his city's constitutional right to segregate students in order to gain exclusion concessions from the Roosevelt administration. The White House responded not only by excluding laborers from Hawaii, as they had planned, but pursued the exclusion of all Japanese laborers emigrating to the United States.² Meanwhile, TR's plan to naturalize Japanese residents was disregarded in the U.S. What was eventually known as the "Gentlemen's Agreement" stood for almost 20 years as the standard upon which the U.S. Congress and future presidents regulated Japanese immigration. Subsequently, the Immigration Act of 1924 provided legislation that officially excluded all Japanese immigration. Additionally, TR's 1906 proposal for Japanese naturalization would not occur until after World War II. The San Francisco segregation incident, therefore, became the nexus for the transformations that afflicted Japanese "residents" in the United States for generations.

This study will focus on the time period from October 1906, when the San Francisco school order was issued, to March 1907, when Mayor Schmitz and President Roosevelt finalized the agreement. The events and analysis will be divided into five

² This was achieved by the Gentleman's Agreement of 1907. Walter LaFeber, *The Clash: A History of U.S.-Japan Relations* (New York: W.W. Norton & Co., 1997), 89.

parts. Part One examines the emerging reform movement that hounded Schmitz's administration and led to graft charges. As a result, Part One argues that these accusations encouraged the politically desperate mayor to welcome a chance for redemption. Part Two presents the diplomatic relationship that existed between Japan and the United States, focusing on the challenges created by increased Japanese immigration. Part Two also closely details the pertinent issues involved, including, (1) the diplomatic effort to heal the rift the segregation order opened with Japan, (2) the constitutional questions surrounding both international treaties and state's rights, and (3) the "war scares" that accompanied the lack of American military readiness. Part Three chronicles the mayor's decision to travel with his school board to the capitol, and the week of negotiations resulting in the decision to exclude Japanese laborers. Part Four evaluates the continued attacks of the San Francisco press as the mayor returned to his home city. Lastly, the results of the settlement will be analyzed in terms of Japanese immigration policy, increased military appropriations, and the consequences of the demise of the Union Labor Party in California politics.

I: The Politics of Power in San Francisco

In its first 50 years of statehood, California experienced a series of historically unprecedented booms and busts that consolidated land and wealth into the hands of the very few. There were numerous attempts to change this state of affairs. Labor unions engaged in an almost constant battle with the large corporations and landowners that virtually controlled the state, but never succeeded in gaining lasting political power. In 1879, politicians rewrote the state constitution in an attempt to break the hold of monopolies such as the Southern Pacific Railroad. Despite such endeavors, state historian Kevin Starr concludes that California had become “a state in which railroads, corporations, and large landowners continued to call the shots.”¹

City Rule

Many of these political battles occurred in San Francisco, where a succession of political bosses, often supported by big business, held sway over city government. By the turn of the century, however, the power base in San Francisco briefly changed, when the banker and real estate magnate James D. Phelan became mayor in 1897, promising reform and disavowing the bribery and graft that had marked earlier regimes.² Phelan’s platform, in contrast to prior administrations strongly influenced by the Southern Pacific, was “moderately reformist.”³ The mayor drew support from groups such as the San Francisco Merchant’s Association, promising lower taxes and municipally-owned public

¹ Kevin Starr, *California: A History* (New York: The Modern Library, 2005), 129.

² Walton Bean, *Boss Ruef’s San Francisco* (Westport, Connecticut: Greenwood Press, Publishers, 1981), 5-7.

³ Andrew Rolle, *California: A History* (Wheeling, Illinois: Harlan Davidson, 2003), 413.

services.⁴ Nevertheless, Phelan soon lost popularity after sending police to violently break up a teamster's strike in 1901, prompting labor unions to form the Union Labor Party.⁵ However, the party became widely seen as a political machine controlled by Abe Ruef, a local attorney known for his intelligence and ambition.⁶

After convincing his friend and client, the popular musician's union president, Eugene "Handsome Gene" Schmitz, to successfully run for mayor, the Ruef machine was soon fully engaged in a multitude of graft schemes.⁷ For example, Ruef "hired" himself out as an attorney to real estate developers, phone companies, electric companies, and trolley companies for exorbitant rates. Ruef then shared the proceeds with Schmitz and the city supervisors to ensure their loyalty to the party machinery.⁸

By 1904, the editor of the *San Francisco Bulletin*, Fremont Older, began to publicly accuse Ruef and Schmitz of corruption.⁹ The *Bulletin* attempted to uncover acts of bribery and graft in the city administration, but the accusations never gained traction in public opinion. According to graft historian Lately Thomas, most citizens were "pleasure loving...Times were flush, and few...wanted a change." Besides the *Bulletin*, the other

⁴ George E. Mowry, *The California Progressives* (Berkeley: University of California Press, 1951), 24.

⁵ Rolle, 413; Philip L. Fradkin *The Great Earthquake and Firestorms of 1906* (Berkeley: University of California Press, 2003), 31-32.

⁶ Fradkin, 32.

⁷ Starr, 197-198.

⁸ Bean, 13-20, 51-118, 128-152; Lately Thomas. *A Debonair Scoundrel; An Episode in the Moral History of San Francisco* (New York: Holt, Rinehart and Winston, 1962), 16.

⁹ Wright, Margaret Anne, "Portrait of a Scoundrel: Boss Abe Ruef and the San Francisco Press" (Master's Thesis, San Jose State University, 1974), 20.

three major newspapers either supported the administration or belittled the *Bulletin's* "hysteria."¹⁰

After 1905, when the Union Labor Party won complete control of the city by capturing all twelve of the supervisor posts, Older's *Bulletin* relentlessly attacked the administration. Ruef retaliated by organizing a newsboy strike, which halted the *Bulletin's* circulation for days. An enraged Older eventually enlisted other reformers in an effort to prosecute the Union Labor syndicate in court.¹¹

Ex-mayor Phelan was the first reform-minded business leader Older approached. Phelan had ambitious reasons for ousting the Union Labor machine. He believed the city should be rebuilt according to a design promoted by architect and urban planner Daniel Burnham. Phelan, a classicist who believed the city could become a modern day Rome, envisioned a new grid system for the city streets, combined with enormous monuments atop the city's hills.¹² The monuments would draw water from the Hetch Hetchy drainage, using an aqueduct system built on a scale worthy of the greatest Roman achievements.¹³ After the April 18, 1906 earthquake disaster, the matter of a water source for San Francisco evoked both practical urgency and political controversy. In

¹⁰ Thomas, 24-29.

¹¹ Bean, 54-80.

¹² Robert W. Righter, *The Battle Over Hetch Hetchy: America's Most Controversial Dam and the Birth of Modern Environmentalism* (New York: Oxford University Press, 2005), 35; John Warfield Simpson, *Dam! Water, Power, Politics, and Preservation in Hetch Hetchy and Yosemite National Park* (New York: Pantheon Books, 2005), 111.

¹³ Gray Brechin, *Imperial San Francisco: Urban Power, Earthly Ruin* (Berkeley: University of California Press, 1999), 153.

1906, the fires revealed the city's sparse and unreliable water supply.¹⁴ As reconstruction of the city began, Phelan's firm, Spring Valley, and another company, Bay Cities, began to compete for the city contract. Bay Cities, however, secretly offered Ruef thousands of dollars in bribes. Phelan suspected bribery at the core of a new Bay Cities contract, and this rumor cemented his belief that the corruption of the Ruef-Schmitz administration had to be supplanted.¹⁵

Rudolf Spreckels, the brother of the owner of the *San Francisco Call*, joined Older and Phelan soon after Ruef presented Spreckels with an illegal bond deal.¹⁶ When Mayor Schmitz refused to grant Spreckels a permit to build a competing streetcar line against a subsidiary of the Southern Pacific Railroad, he reinforced this alliance. Spreckels suspected that Southern Pacific's bribes had secured Schmitz's loyalty.¹⁷ These instances of corruption brought Spreckels, Phelan, and Older together as they pledged to rid the city of the Schmitz regime. Spreckels offered over \$100,000 toward the cause, and the reformers raised additional funds from other progressive business leaders.¹⁸

¹⁴ Fradkin, 72-73.

¹⁵ Righter, 54-58; Simpson, 137-147.

¹⁶ Bean, viii.

¹⁷ *Ibid.*, 75.

¹⁸ Fradkin, 315-316, Thomas, 33-34. Thomas, 70, 305-307; Fremont Older, *My Own Story* (New York: The Macmillan Company, 1926), 27. Spreckels also harbored enmity towards Mayor Schmitz. The mayor refused to allow Spreckels to obtain a permit for a streetcar line, and Spreckels believed the mayor was controlled by Southern Pacific bribery. Graft prosecution testimony would reveal that Ruef, Schmitz and the Supervisors received a total of \$200,000 in small bills as the recompense for a 25 year franchise to United Railroads, a subsidiary of Southern Pacific. Terey L. Ford, the chief counsel for United Railroads, was later charged three times for bribery, but acquitted on each occasion.

In addition to recruiting business leaders dedicated to ending municipal graft, the reformers sought out Francis J. Heney, a well-known federal prosecutor and a trusted hand to President Theodore Roosevelt in the Progressives' war against municipal corruption.¹⁹ Heney, a San Francisco native, avowed a special interest in the Union Labor graft prosecution: "This will be my contribution toward making a better San Francisco."²⁰ Heney planned not only to entrap the corrupt administration, but reveal and put away corrupt business leaders, one of the goals of the Progressive movement during the Roosevelt era. In a 1906 letter to Henry Cabot Lodge, TR summed up Heney's case:

The big corporations [that] have deliberately stood by the labor union party [in San Francisco], saying with utter cynicism that they preferred the chance of occasional violence if they could temper it with corruption, to an honest government that would permit neither corruption nor violence. The more I see of very rich men acting singly or in corporations the more firmly I feel that they are of no advantage to the country and the movement in which, thank fortune, I have steadily engaged for some time was absolutely necessary."²¹

As this letter suggests, Roosevelt had a keen interest in the graft case. Older later claimed that by allowing Heney to join the fight, the president unofficially sanctioned the prosecution. In a March 1907 *New York Times* article, Older claimed that he and Heney met in Washington, D.C. on December 2, 1905, at the Willard Hotel. During the encounter, Older "told [Heney] my mission" to bring down the Union Labor leadership, using Older's evidence implicating Ruef, Schmitz, and the supervisors in a bribery

¹⁹ Thomas, 46-47.

²⁰ *Ibid.*, 72.

²¹ Theodore Roosevelt [TR] to Henry Cabot Lodge, 5 November 1906, Roosevelt Papers, [microfilm] Stanford University, Stanford, CA; original in Library of Congress, Washington, D.C.

scheme involving bordellos - widely known as “French restaurants.”²² Heney replied by vowing to put Ruef “in the penitentiary, where he belongs!”²³

Older claimed in the *Times* article that he also met with President Roosevelt, in order to “convince Roosevelt that the graft in San Francisco was important.” Older claimed that TR “was in sympathy with what I was trying to do,” but he asked that Older wait until Heney finished his work in Oregon, (where he would successfully prosecute federal government corruption).²⁴ At a subsequent meeting, Heney informed Older that he would have to guarantee financing to move ahead with the prosecution. The owner of the *Bulletin* replied, “I’ll arrange it.” With that, he returned to California determined to reform his city.²⁵

In 1908, Phelan upheld much of Older’s subsequent efforts on his return to California. In a personal letter to a reporter, Phelan divulged:

You may safely say that Mr. Spreckels, Mr. Fremont Older and Mr. Francis J. Heney were inspired by holy zeal to uproot corruption when they began this campaign. Conferences were held in my office and I was a party to it all and speak with authority. So, you put down the Graft Prosecution as a sincere effort of an awakened public conscience to purify political life.²⁶

Progressive Reform Through the Courts

The graft investigation quietly began in January 1906, when Heney arrived in San Francisco. Heney and William J. Burns, a former Secret Service detective, soon directed

²² *New York Times*, 17 March 1907; Older, 74-75; *San Francisco Bulletin*, 23 October 1906.

²³ Thomas, 46-47.

²⁴ Older, 76.

²⁵ Thomas, 47-49, 73; *New York Times*, 17 March 1907; Older 75-76.

²⁶ Phelan to Augusta C. Bainbridge, 8 March 1908, James D. Phelan Papers, Bancroft Library, University of California, Berkeley.

a small army of detectives and attorneys inside “The Red House” near the city’s court buildings.²⁷ By September 1906, the alliance between Spreckels, Older, Phelan, and Heney became public knowledge.²⁸

The earthquake and fire April 1906 brought a brief truce among adversaries, as the reformers and the city administration united to reconstruct San Francisco as the “Committee of Fifty.”²⁹ Historian Walton Bean describes this period as Schmitz’s “finest hour,” and contemporaries lionized the mayor as the “inspiring figure” who took decisive action to save the city.³⁰ In October of that year, the mayor left on a tour of Europe, ostensibly to track down overseas insurance companies that were defaulting on their payments. The newspapers quickly pounced on the length and cost of the junket, and raised questions concerning both his sense of responsibility and his sources of funding. The mayor attempted to justify his trip by answering: “I am utterly worn out with the trying experiences...I feel that I have earned a vacation.”³¹ Soon, the *Bulletin* lampooned Schmitz’s foray in Europe, printing a daily cartoon and serial installments of “Gulliver Genio’s Travels.” On October 5th, the *Bulletin* asked: “Where is Mayor Schmitz? On his

²⁷ Older, 84.

²⁸ Rolle, 413.

²⁹ Fradkin, 176-179.

³⁰ Bean, 121-122. Fradkin examined the methods Schmitz and Brigadier General Frederick Funston used to fight the fires. Fradkin found that, by dynamiting huge sections of the city in a desperate bid to stop the fires, the city authorities actually worsened the calamity. Fradkin also found that Abe Ruef “saved” the Russian Hill section when he convinced Schmitz to stop dynamiting. Fradkin, 78-79, 123-124.

³¹ Thomas, 73-77. The graft trial revealed that the Santa Fe Railroad funded the trip.

way to Europe, with the people's money in his purse. Where are the men who dare put a stop to this system of stealing which is shameless, devilish, and open?"³²

As the *Bulletin's* question suggests, corruption within the administration continued unabated during the city's expensive reconstruction. The issue of the city's inadequate water system became dire, and the competition to obtain the system's contract allowed Ruef to extort enormous bribe payments, totaling \$1 million from Bay Cities. Ruef was unaware that Burns and his detectives had followed him for four months, and that he would soon have to explain his activities in court.³³

In September 1906, Heney approached San Francisco District Attorney, William H. Langdon about the corruption suit he was building. Heney was named Assistant D.A., and Langdon publicly acknowledged that the reform movement fully supported the arrangement.³⁴ Just six weeks later, both Schmitz and Ruef were indicted for extortion, and a struggle for public opinion during the graft proceedings began.³⁵

During this period, the attacks on Ruef and Schmitz intensified in the press, an effort orchestrated by Heney. Older recalled, both in his *Times* article and in his autobiography, that Heney held a secret meeting of mainstream newspaper editors in the early Fall of 1906. Older recalled: "Mr. Heney told [the editors] he wanted the active co-operation of the San Francisco press in the campaign against the gang in control of the

³² *San Francisco Bulletin*, 5 October 1906.

³³ Bean, 141-148.

³⁴ *San Francisco Bulletin*, 23 October 1906. Heney hired future Governor and U.S. Senator Hiram Johnson as his assistant D.A.

³⁵ Bean, 153-187; Thomas, 75-80, 93.

municipality which had been disgracing the city for five years.”³⁶ Heney laid out all of the evidence that had been collected against the administration. The evidence, along with the reputation that Heney had garnered in Oregon, dispelled the newspapers initial fears of libel charges. According to Older, the editors replied, “We’re with you.”³⁷ By the end of the year, San Francisco’s “Big Four” newspapers, (*Examiner*, *Chronicle*, *Call*, and *Bulletin*), regularly splashed headlines reporting that the reformers had raised thousands to bring an end to the Ruef machine.

Older’s *Bulletin* led the attacks in terms of the number of stories and the vindictive terms its reporters used against Ruef and the city administration, such as “arrogant dictator,” “skunk,” and “brazen jackals hunted to bay.”³⁸ The *Bulletin* described City Hall as “a fort for thieves to batter down the forces of citizenship.”³⁹ On October 5, a *Bulletin* article alleged that Ruef and Schmitz appointed criminals to the police force’s leadership, and reported that the police routinely set Union Labor members free from jail.⁴⁰ The *Bulletin* was also the first newspaper to specifically present Heney’s graft case on October 14.⁴¹

The *Call* described the administration using terms such as “cunning rascality,” “crooked,” and “[Ruef’s] hand grips the throat of San Francisco.”⁴² In an October 22 editorial, “Where Did They Get It?” the *Call* accused the mayor and the supervisors of

³⁶ *New York Times*, 17 March 1907.

³⁷ *Ibid.*; Older 77-79.

³⁸ Older, 73.

³⁹ Thomas, 102.

⁴⁰ *San Francisco Bulletin*, 5 October 1906.

⁴¹ *Ibid.*, 14 October 1906.

⁴² Thomas, 102.

“spending money like drunken sailors,” and claimed that they had “grown rich” by having “made prey [of] our unhappy city.” Meanwhile, the piece continued, Heney and Burns would “search out...the official boodlers,” and serve justice.⁴³

Hearst’s *Examiner*, which had once been an ally of the administration, called the boss “a scoundrelly traitor,” and an “unconvicted felon,” and reported that he had been “booed out of sight...with right triumphing at last.”⁴⁴ DeYoung’s *Chronicle* called Ruef “devoid of shame,” and found that “many thought him guilty but too smart to be caught.”⁴⁵ The *Chronicle* also claimed that the administration “boldly seek[s] to overturn the law and to block trials that would send them to jail.”⁴⁶ Attesting to the influence of the press coverage, a boisterous Union Square rally denouncing the administration demonstrated that public opinion quickly turned against the administration as the acidity of the coverage increased.⁴⁷ This marked the end of the covert inquiry and the beginning of the public phase of the graft investigation.⁴⁸

Ruef and Schmitz were not without their own support. The opposition press, rarely cited in graft prosecution studies, conveyed the Union Labor Party’s point of view. Three journals represented the labor community in 1906. The *Evening Post* was Ruef’s mouthpiece, evident in both the paper’s editorial slant and the content of the reporting. The *Labor Clarion* and *Organized Labor* were both official organs of the labor community. All three journals printed descriptions, quotes, and transcripts that the

⁴³ *San Francisco Call*, 22 October 1906.

⁴⁴ *San Francisco Examiner*, 19 October 1906.

⁴⁵ Wright, 75.

⁴⁶ Thomas, 102.

⁴⁷ *Ibid.*, 93.

⁴⁸ *San Francisco Bulletin*, 14 October 1906.

mainstream press often chose not to publish. They also denounced the mainstream press as part of a conspiracy of elites, (a “Persecuting Plutocracy”), that stalked the men, the journals claimed, whom ably and honestly served the city.

In October 1906, the *Evening Post* became the first to condemn the prosecution’s motives, which were variously termed “conspiracy” and “plutocracy.” On October 23, a *Post* headline claimed: “Plot Has Been Hatched to Disgrace Mayor Schmitz.” The editorial reported a plan to arrest the mayor in Europe, whereupon he would be “discredited,” enabling his opponents to “work themselves into power.” The financiers backing the Spring Valley Water Company concocted the plan, the *Post* asserted, and it “constitutes the most prodigious and daring political conspiracy ever known to have been launched in the U.S.” The piece claimed that the political enemies of Ruef and Schmitz directed these attacks with the aid of Heney and Burns. “[This] conspiracy,” said the *Post*, “has avowed to put down the laboring man on the Pacific Coast and they plan to take charge of municipal affairs themselves. They may have to put up the \$100,000 necessary to the fight, besides hiring no end of skilled men to conduct the crusade. The entire fight will be made in the name of graft.”⁴⁹

On October 26, the *Post* attacked the three newspapers. Hearst’s *Examiner*, the *Post* alleged, aligned with Langdon, the San Francisco District Attorney; Spreckels “has a grip on the *San Francisco Call*,” and “the hand of Phelan has always been on the boughten *Bulletin*.” The mainstream press, the editorial charged, desired to both destroy the closed shop and lower wages. By achieving this, reforming elites could rebuild the

⁴⁹ *San Francisco Evening Post*, 23 October 1906.

city with lower costs, and they “work[ed] to retard the installation of a municipal water plant in San Francisco, so as to give life to Spring Valley securities.” In the same issue, Ruef echoed the paper’s sentiments, complaining: “I have wearied of the falsehoods of the dogs and cowards who oppose us politically, and of the villainous lies and assaults of the rotten press. This will be a case of survival of the fittest.”⁵⁰

On October 27, Ruef attempted to force the Supervisors to appoint him District Attorney by ousting Langdon. This event intensified the newspaper war, and the *Post* justified Ruef’s appointment while vilifying the reformers.⁵¹ On October 29, the *Post* called the attacks in the mainstream press typical, since they used “the method which is being used by all unscrupulous newspapers in this country. It is the method which is being used by Heney and Burns, by Spreckels and Phelan, in their efforts to oust the labor administration.”⁵² By December, *Organized Labor* joined the *Post* in denouncing the “conspiracy to destroy trade-unionism.” *Organized Labor* charged: “As day by day the conspiracy unveils itself the motive underlying the attacks becomes more apparent. To discredit Union Labor politics...that is Heney’s, Langdon’s and Spreckels’ hope.”⁵³

In 2005, historian Philip Fradkin challenged the conventional belief, largely put forward by the reformer’s claims and the trials that followed, that the Ruef-Schmitz administration was rife with corruption. In his book *The Great Earthquake and Firestorms of 1906*, Fradkin essentially agreed with the contemporary assertions of the labor press, suspecting that the reformers were not just motivated by Progressive zeal, but

⁵⁰ Ibid., 26 October 1906

⁵¹ Ibid., 27 October 1906.

⁵² Ibid., 29 October 1906.

⁵³ *Organized Labor*, 1 December 1906.

by a quest for power, resulting in Hiram Johnson's sweeping Progressive reform legislation in California.⁵⁴ Fradkin also claims that anti-Semitism played a part in Ruef's downfall, comparing the Boss as "San Francisco's equivalent to France's Alfred Dreyfus." Lastly, Fradkin believes that earlier graft histories relied too heavily on Frank Hichborn's *The System* (1913), a work financed by Spreckels and Phelan.⁵⁵ In reviewing Fradkin's claims, California historian Kenneth Starr concludes that: "While Abe Ruef was no angel, he was certainly not the Darth Vader who was vilified, brought to trial, and sent to San Quentin by the Progressives."⁵⁶

By late 1906, San Francisco's press and public opinion became increasingly divided as the Union Labor Party and the reformers battled for political control of the city. In October, when the graft proceedings coincided with the school segregation question, sensational news coverage played an important role, influencing both the public and the decisions of political leaders.

⁵⁴ Johnson was an assistant attorney under Heney during the graft trials.

⁵⁵ Fradkin, 305-310. Hichborn and Phelan wrote personal letters revealing the financial arrangements.

⁵⁶ Starr, 161.

II: The School Board's Segregation Order and the Japanese-American Crisis

Resolved, That in accordance with Article X, section 1662, of the school law of California, principals are hereby directed to send all Chinese, Japanese, or Korean children to the Oriental Public School...on and after Monday, October 15, 1906.
San Francisco Board of Education, October 11, 1906.⁵⁷

With this proclamation, San Francisco sparked an international disagreement that reverberated around the world. Japan immediately demanded that the U.S. rescind the order, renewing immigration tensions that began when Japanese laborers first appeared on the West Coast at the end of the 19th Century.

These tensions grew primarily from two concerns. The first was the Japanese government's desire that its citizens be accorded the same rights as European immigrants who, they believed, received more respectful treatment in America. The second interest came from the American labor community, especially on the west coast. Labor unions feared that increased competition brought by Japanese laborers would result in lower wages. Therefore, labor demanded immigration restrictions.

During this period, the U.S. and Japan regulated the flow of laborers through trade agreements. An 1894 pact gave the U.S. the right to regulate Japanese immigration, and at the same time it stated that Japanese citizens residing in the United States "shall enjoy...the same privileges, liberties, and rights...[as] native citizens."⁵⁸ The Japanese

⁵⁷ *Message from the President of the United States, Transmitting the Final Report of Secretary Metcalf on the Situation Affecting the Japanese in the City of San Francisco, California.* 59th Cong., 2nd sess., December 1906. S. Doc. 147(San Francisco: R. and E. Research Associates, 1971), 3. (Hereafter cited as the "Metcalf Report.")

⁵⁸ Charles E. Neu, *The Troubled Encounter: The United States and Japan* (New York: Robert E. Krieger Publishing Company, 1979), 27; Elihu Root, "The Real Questions Under the Japanese Treaty and the San Francisco School Board Resolution,"

believed the 1894 pact protected their rights to receive treatment equal to any U.S. citizen.

The fact that both countries had recently become imperial powers in the Pacific caused another source of tension, though initially unrelated to the segregation controversy. U.S. territorial expansion in 1898, in part, stirred the Japanese to build a larger navy.⁵⁹ In 1905, Japan tested its modern naval force against Russia, resulting in the defeat of the Baltic Fleet.⁶⁰ After this victory, the Japanese joined Russia in accepting President Roosevelt's invitation to meet for a peace conference in Portsmouth, New Hampshire. As the Japanese entered the talks, public opinion in Japan held that the talks should be treated as terms of surrender. However, the Portsmouth negotiations ended in a truce, and even though TR earned the Nobel Prize for ending the war, the Japanese public perceived the peace terms as an insult.⁶¹ In Tokyo, while the Japanese negotiators bore the brunt of angry protests, Japanese citizens also blamed President Roosevelt for the humiliation the armistice caused.⁶²

The American Journal of International Law, Vol. 1, No. 2 (April, 1907), 274. Relevant text of the 1894 treaty is included in Appendix A.

⁵⁹ *Jiji Shinpo*, 31 May 1898, quoted in Akira Inoye, *Pacific Estrangement: Japanese and American Expansion, 1897-1911* (Chicago: Imprint Publications, Inc., 1994), 57.

⁶⁰ LaFeber, 82.

⁶¹ *Ibid.*, 84; Raymond A. Esthus, *Theodore Roosevelt and Japan* (Seattle: University of Washington Press, 1966), 95.

⁶² Esthus, 95-96.

At war's end, discharged Japanese soldiers emigrated overseas, including thousands who sailed to Hawaii and California.⁶³ According to diplomatic historian Akiri Iriye, this exodus resulted not only from economic hardship, but represented part of a Pacific-wide diaspora of Japanese patriots. Encouraged by the Japanese government, the plan envisioned settled areas as centers of Japanese cultural and economic activity. By 1907, 65,000 Japanese lived in Hawaii, and 60,000 in California.⁶⁴

Meanwhile, the United States remained uneasy about both Japanese immigration and a possible Japanese military invasion. Many feared that, after defeating the Russians, the next Japanese target could be the Philippines or Hawaii, and the influx of ex-soldiers served as the “vanguard” of these attacks.⁶⁵ Roosevelt, however, did not consider an attack likely. To Japan, a defeat at the hands of the U.S. would mean “she would lose everything she has gained in the war with Russia.” In the event of a victory over the U.S., TR reasoned: “[Japan] would make this republic her envenomed and resolute foe for all time...I see not a slightest chance of Japan attacking us in the Philippines for a decade or two.”⁶⁶

The influx of thousands of Japanese laborers caused the impetus for further laws of exclusion. An effort to limit Japanese immigration in 1900 had not produced the intended result, since a loophole in the agreement (known as the *first* Gentlemen's Agreement) allowed Japanese immigrants to legally pass through Hawaii on their way to

⁶³ Thomas A. Bailey, *Theodore Roosevelt and the Japanese-American Crises: An Account of the International Complications Arising from the Race Problem on the Pacific Coast* (Stanford University, California: Stanford University Press, 1934), 9.

⁶⁴ Iriye, 130-2.

⁶⁵ *San Francisco Chronicle*, 26 March 1905.

⁶⁶ TR to Leonard Wood, 22 January 1906, Roosevelt Papers.

California. American laws did not prevent this, even though officials stamped Japanese passports “Hawaii only” in Japan, and legislators began to draw different versions of exclusionary bills.⁶⁷

The *Chronicle* and the Japanese and Korean Exclusion League

In 1905, the *San Francisco Chronicle* seemed determined to foment nativist paranoia. Articles following a March 1 resolution passed in the California Senate urged the federal government to limit Japanese immigration.⁶⁸ One article described a mass meeting of Japanese émigrés dressed in soldier’s uniforms to honor the Emperor’s birthday. “It was a great gathering – and a clear warning,” the *Chronicle* declared.⁶⁹ In a different article, the paper described how Japanese immigration companies managed to “override the law.” The article claimed that the companies “take the coolie by the hand, shepherd him, paint for him the transpacific Elysium that awaits him...and promise him a safe return to his own country heavy with American gold and American wisdom.” Even the Japanese government stated: “Consul-General Bellows of Yokohama says definitely that the Japanese government appears disposed to encouraging emigration.”⁷⁰ By 1905, many Californians viewed the influx as both labor competition and a portent of an invasion.

In the same period in 1905, the *Chronicle* turned its attention to the Japanese in city schools. In a March 5 article entitled “Brown Men an Evil in the Public Schools,”

⁶⁷ Esthus, 150-151; Eleanor Tupper and George E. McReynolds, *Japan in American Public Opinion* (New York: The MacMillan Company, 1937), 19.

⁶⁸ Tupper and McReynolds, 23.

⁶⁹ *San Francisco Chronicle*, 26 March 1905.

⁷⁰ *Ibid.* Inoye’s 1994 study concluded that Japan’s goal of emigration was to increase trade.

the *Chronicle* reported that Japanese adults attended the city's primary schools. This was not an entirely strange situation in schools at that time, since California law permitted any person under 21 to attend school. However, the *Chronicle* contended, "in the case of white adults the resulting benefits are greater than the resulting injuries."⁷¹ As Victor Metcalf, the Secretary of Labor, stated in his 1906 report, three Japanese men attended 4th grade classes, and protests erupted when these older students happened to be "Asiatic coolies."⁷²

The *Chronicle*'s reporting swiftly elicited negative public opinion. On March 6, the paper filled an entire page with letters that agreed with its anti-Japanese stance, titling the section, "Press and Public Unite For Japanese Restriction." An editorial compared the Japanese to the Chinese, whose immigration had been restricted since 1882. "The Chinese were faithful laborers and did not buy land. The Japanese are unfaithful laborers and do buy land...Our land, our homes and our civilization...are in danger."⁷³ The editorial recommended severe restrictions on immigration.

Motivated by fears of competition and racism, labor unions spearheaded the cause of Japanese exclusion. The effort manifested itself in one group, the Japanese and Korean Exclusion League, launched on May 7, 1905.⁷⁴ O.A. Tveitmoe dominated the League as its President, and he also served as the editor of *Organized Labor*.

The Exclusion League became an influential voice, lobbying both local and federal legislators. Mayor Schmitz, the Union Labor Party, and several state legislators

⁷¹ *San Francisco Chronicle*, 5 March 1905.

⁷² Metcalf Report, 5.

⁷³ *San Francisco Chronicle*, 6 March 1905.

⁷⁴ Metcalf Report, 3-4.

were early supporters and allies of the League.⁷⁵ In May 1906, U.S. Congressman

Everis (E. A.) Hayes wrote Tveitmoe:

I have used many of the facts and figures of the League...I am glad to report that the feeling in Congress is very much more favorable to the proposition to extend the Chinese exclusion laws to embrace all Mongolians than it was in the previous session. If the agitation is kept up, and we continue to bring the attention of the Japanese competition and the dire evil influence upon our civilization of their residence among us, we are bound to succeed.⁷⁶

Following the 1906 earthquake, the labor unions and the League encouraged white San Franciscans to boycott Japanese businesses. Scores of attacks against the Japanese residents of San Francisco also occurred. In a letter sent to both Governor George C. Pardee and acting Mayor James Gallagher following the segregation order, the Japanese Consul in San Francisco, Kisaburo Uyeno, cited 17 incidents of violence from August 5 to September 6, 1906. The complaints ranged from vandalism and theft to assaults, beatings, and stonings.⁷⁷ The "Metcalf Report," a study commissioned by the president and written by Secretary of Labor Victor Metcalf, found that 290 assaults had occurred from May to September 1906. Metcalf also interviewed Japanese residents, and this testimony described an environment in which Asians had ample reason to fear beatings from mobs of young "miscreants" using baseball bats, guns, and gas pipes.⁷⁸

⁷⁵ *Newspaper Enterprise Association*, 1 April 1905; Printed Ephemera Collection; Portfolio 2, Folder 22a, in *The Library of Congress, American Memory* [database online]; available from <http://hdl.loc.gov/loc.rbc/rbpe.0020220a>; Internet; accessed 6 March 2007.

⁷⁶ *Organized Labor*, 5 May 1906.

⁷⁷ Uyeno to Pardee, 24 October 1906; George C. Pardee Papers, Bancroft Library. Schmitz was still traveling in Europe.

⁷⁸ Metcalf Report, 12-17, 37-38.

In August 1906, the League added school segregation to its agenda. The organization sent a report to the San Francisco Board of Education presenting data pertaining to “Asiatic” students. Referring to the report, the Executive Board of the League described the Japanese as “physically diseased and morally rotten.” The League argued that the same taxpayers who funded the schools went “out into the industrial world to compete with [the Japanese]” and demanded that the school board send Japanese students to an Oriental school, recently rebuilt in Chinatown.⁷⁹

The School Board Decision and Japanese Foreign Relations

The school board accepted the League’s contentions, and foresaw no constitutional barriers to segregation since the 1896 *Plessy v. Ferguson* decision protected the policy, as long as schools provided equal services. Additionally, the board came to the conclusion that California State law supported the order, because a directive “ordained [separate schools] for children of Mongolian descent.”⁸⁰

In April 1906, when the earthquake and fires destroyed 30 of the 76 schools in San Francisco, the school board had an excuse to segregate Asian students.⁸¹ Chinese students had always been segregated in San Francisco, but when Oriental School

⁷⁹ Minutes of the Japanese and Korean Exclusion League, 26 August 1906. Several references to the Oriental School state that it stood on Clay Street in between Powell and Mason. However, both a map that was included in the Metcalf Report, as well as the author’s inspection of a 1908 photo of the school at the site, confirms that it actually stood one block down the hill, on Clay in between Powell and Stockton.

⁸⁰ *School Law of California* (Sacramento, 1902), cited by Bailey, 32. In Japan, however, ethnic comparisons between Japanese and Mongolians were widely considered an insult. Wright to Root, 22 October, 1906, U.S. Department of State, “Numerical Series, 1906-1910,” File 1797, “Treatment of Japanese in California.” [microfilm] National Archives and Records Administration II, College Park, MD.

⁸¹ Metcalf Report, 5.

administrators complained about lower post-earthquake attendance, the board realized that the 93 Japanese students would conveniently fill the Oriental School to capacity. On October 11, 1906, the Board published its segregation order, and the local press made no effort to disguise the racial matter. The *Chronicle* proclaimed, “Just now our race feeling has shown itself in the provision that the children of the races shall be kept separate in the schools.”⁸² The *San Francisco Call* went even further. An October editorial asserted; “They are intruders...San Francisco does not owe them an education.”⁸³ In December, the *Call* announced in stark terms: “We regard the public schools as part of the home, and we are not willing that our children should meet Asiatics in intimate association. That is ‘race prejudice,’ and we stand by it.”⁸⁴

The Japanese government reacted angrily. Japanese Consul Uyeno filed a protest with the school board on October 12, but the board refused to reverse the decision. The next day, Uyeno warned that the decision would “constitute a species of discrimination which is offensive to the Japanese national spirit.”⁸⁵ On October 17, Uyeno met with the school board. The *Bulletin* reported that the Japanese consulate meant to test the school law in the state courts, and in the federal courts if necessary. The article added that the Japanese “resent...having their boys and girls rub elbows with the Chinese and colored children.”⁸⁶

⁸² *San Francisco Chronicle*, 11 November 1906.

⁸³ *San Francisco Call*, 22 October 1906.

⁸⁴ *Ibid.*, 1 December 1906.

⁸⁵ Uyeno to the San Francisco School Board, 12, 23 October 1906 Pardee Papers; San Francisco School Board to Uyeno, 22 October 1906, Pardee Papers.

⁸⁶ *San Francisco Bulletin*, 18 October, 1906.

On October 19, Uyeno wrote Acting Mayor James Gallagher, and complained that the order amounted to a “practical denial to Japanese children of the rights of education,” since asking them to travel to a school in a large city still rebuilding its public transit system effectively shut them out of schools. “Parents will hesitate to send their children down into an isolated quarter of the burned district where danger may present itself in various forms,” the consul argued.⁸⁷ On October 24, Consul Uyeno lodged an “earnest protest” with California Governor George Pardee, in which he argued that the order “seriously threatened the welfare of Japanese children in this city.”⁸⁸ Meanwhile, Japanese parents in San Francisco felt that sending their children to schools miles away was “derogatory to their dignity,” and they decided to keep their children home.⁸⁹

The first reactions in Japan condemned the order. *The Japan Weekly Mail* stated that the order “created much excitement and indignation in Japan.”⁹⁰ The editor of the *Kokumin Shimbun*, a government publication, felt as if “he had been slapped in the face by his best friend.”⁹¹ A Tokyo journal, the *Mainichi Shimbun*, urged retaliation:

The whole world knows that the poorly equipped army and navy of the United States are no match for our efficient army and navy. The present situation is such that the Japanese nation can not rest easy by relying only upon the wisdom and statesmanship of President Roosevelt...Stand up, Japanese nation! Our countrymen have been HUMILIATED on the other side of the Pacific. Our poor boys and girls have been expelled from the public schools by the rascals of the United States, cruel and merciless like demons.⁹²

⁸⁷ Uyeno to Gallagher, 19 October 1906, Pardee Papers.

⁸⁸ Uyeno to Pardee, 24 October 1906, Pardee Papers.

⁸⁹ Metcalf Report, 6.

⁹⁰ *Japan Weekly Mail*, October 27 1906, op. cit. Bailey 48.

⁹¹ Quoted in William Inglis, “Japan’s Preference for Peace with America,” *Harper’s Weekly*, March 2 1907, 298, cited in Bailey, 50.

⁹² Wright to Root, 22 October 1906, file 1797, NARA.

During this delicate period, Luke E. Wright, United States Ambassador to Japan, and Secretary of State Elihu Root maintained an intense level of diplomatic communication with the Japanese government, both in Tokyo and in Washington. Ambassador Wright's first dispatch to Root was delivered on October 21, ten days after the school board announced its decision.⁹³ Wright reported that the Tokyo newspapers had "varied" responses to the decision, ranging from "surprise and regret" to "strongly urge retaliation." In a meeting with Minister for Foreign Affairs Tadasu Hayashi, Wright related that the official was "evidently nervous and fear[ed] an anti-American agitation among the people with disagreeable consequences, as I do." Although Wright felt the situation would eventually subside, he speculated that slowing immigration, which had been attempted in 1900, would quickly solve the crisis.⁹⁴

Root responded by assuring Wright that the incident involved "an ordinary local labor controversy...confined to San Francisco." The federal government would not allow "any treatment toward the Japanese people other than that accorded to the people of the most friendly European nation." Root ordered Wright to promise the Japanese government that the administration would send officials from the Justice Department to San Francisco to investigate, and that treaty rights "in the spirit of friendship and respect"

⁹³ All of Wright's telegraphs were marked "received in cipher" and "confidential." His reports often included translated articles from Japanese newspapers. Wright also sent hard copies of the English-language Japanese newspaper articles back to Washington, which would often arrive weeks later.

⁹⁴ Wright to Root, 22 October 1906, file 1797, NARA. As the archives were catalogued, it was at this point that the files were separated in a haphazard and confusing manner. File 1797, marked "Treatment of Japanese" and 2542, "Japanese Immigration," often held overlapping telegraphs. For this reason the State Department changed its record-keeping system in 1910.

would be maintained.⁹⁵ Shortly thereafter, the president sent Secretary Metcalf to investigate and write his report. Moreover, the Justice Department sent a U.S. attorney, Robert Devlin, to begin proceedings against the school board, arguing that they had broken treaty rights.

In late October, however, the Foreign Ministry of Japan emphasized the “resentment” the order caused, and urged Roosevelt’s administration to do everything within its power to intervene.⁹⁶ Still, the administration realized that the Japanese government warily regarded the segregation order, since the Japanese newspapers called for stronger diplomatic measures. Both governments began to examine the 1894 treaty, in which an article pertaining to the treatment of aliens read:

The citizens or subjects of each contracting party shall enjoy in the territories of the other the same privileges, liberties and rights, and shall be subject to no higher imposts or charges in these respects, than native citizens or subjects, or citizens or subjects of the most favored nation.⁹⁷

Citing the treaty, the Japanese government argued that Japanese children must be treated as “native citizens,” and not as Chinese or Koreans, who had not negotiated special terms as foreign aliens. The absence of this distinction, warned the foreign ministry, was “resented by the Japanese people as derogatory to their dignity.” Furthermore, the ministry pointed out the earlier claim that youngsters had to walk long distances, through dangerous and hazardous neighborhoods. Therefore, Japanese children

⁹⁵ *San Francisco Chronicle*, 27 October 1906.

⁹⁶ Hayashi to Aoki, 23 October 1906, Telegram Series, LXXXVII, 9087-88, quoted in Esthus, 137. Unbeknownst to the Americans, the Japanese Ambassador had struck the word “retaliation” from the original telegram.

⁹⁷ The full text of the treaty of 1894 can be found in: Amos Hershey, “The Japanese School Question and the Treaty-Making Power.” *American Political Science Review*, I (May 1907), 396-398.

were not enjoying the “same privileges, liberties and rights” as a citizen from a “most favored” nation.⁹⁸

After reading both the government cables and the Japanese editorials, Secretary Root recognized that a failure to resolve the situation in San Francisco could cause the radical elements in Japan to call for retaliation. If the federal government could not change the segregation order, Root worried about the inability of the administration to support diplomacy with military strength, given the weak U.S. presence in the Pacific. The U.S. Navy had only two battleships patrolling the Pacific, and the bulk of the Navy was in the Atlantic, weeks away from U.S. assets in the Pacific.⁹⁹ In a classified brief to Metcalf, Root described the sensitive situation. “Japan is ready for war,” he asserted, “with probably the most effective equipment and personnel now existing in the world.” In contrast, he noted, “We are not ready for war and we could not be ready to meet Japan on anything like equal terms for a long period.” Root envisioned the loss of every U.S. territory on the Pacific, including the West Coast. “It is difficult to estimate the National humiliation and loss which would result,” he concluded.¹⁰⁰

Root also stressed that the Japanese remained “filled with rage” over their missed chance to complete a military conquest of Russia. The Japanese government, he said, had an “extraordinary capability” to plan and execute a military plan, capitalizing on the weaknesses of its adversaries. Root felt anxious over the U.S.’s ability to position the navy in time, “an immediate and present danger to be considered now, to-day.” This

⁹⁸ Aoki to Root, 25 October 1906, file 1797, NARA.

⁹⁹ TR to Charles J. Bonaparte, 10 August 1906, Roosevelt Papers. Charles Bonaparte was then the Secretary of the Navy but was soon to become Attorney General.

¹⁰⁰ Root to Metcalf, October 27 1906, file 1797, NARA.

danger, Root emphasized, should never be left to “a few ignorant, narrowminded [sic] and prejudiced men [in San Francisco].” Root continued: “The entire power of the Federal Government...will be used to secure decent treatment for the people of a great and friendly power within the territory of the United States.”¹⁰¹

Meanwhile, Ambassador Wright did his best in Japan, to "minimize these incidents...by confidential talks.”¹⁰² The events in San Francisco placed Wright in a precarious position. He knew the importance of placating the Japanese, but the ambassador also understood that only the San Francisco authorities had the constitutional right to desegregate.

The President's Response

As his administration did its best to find a solution to the San Francisco question, Roosevelt, previously confident that peace would prevail, now worried privately about the possibility of war with Japan. In a letter to his son, Kermit, he revealed the frustration California's obstinacy caused him. “The infernal fools in...San Francisco,” he grumbled, “insult the Japanese recklessly, and in the event of a war it will be the nation as a whole which will pay the consequences. I am perfectly willing that this Nation should fight any nation if it has got to, but I would loathe to see it forced into a war in which it was wrong.”¹⁰³

¹⁰¹ Ibid.

¹⁰² Wright to Root, 22 October 1906, file 1797, NARA.

¹⁰³ TR to Kermit Roosevelt, 27 October 1906, Roosevelt Papers.

On August 10, 1906, (before the school order) TR already worried about the possibility of war with Japan. In a letter to the Secretary of the Navy, Charles Bonaparte, the president advised:

I think that the General Board should be ready with advice to give as to what we should do with our ships on the Asiatic Station if trouble should come with Japan. There are two battleships, a monitor, five torpedo boats and nine unarmored cruisers. They would be helpless to resist a Japanese attack, and yet their loss would be serious. My own inclination would be to get them right out of Asiatic waters and have them join the rest of our forces in the Atlantic waters as speedily as possible; or else having them join these same Atlantic forces somewhere near San Francisco as speedily as possible.¹⁰⁴

Roosevelt had cause to be troubled. Before he left on his trip to visit the Panama Canal project on November 1, 1906, (to which the Japanese situation added increasing urgency), he made overtures to the Japanese, mainly through the U.S. Embassy in Japan. A member of the Japanese delegation, Baron Kentaro Kaneko, was an old riding and hunting friend of the president's. In a confidential letter to Kaneko dated October 26, he reminded the Baron that, as president, he was constitutionally unable to intervene in state matters:

Our form of government, which has many advantages, has some disadvantages, and one of them is in dealing with movements like this. Through the Department of Justice we are already taking steps in San Francisco to see if we can not remedy the matter through the courts. [Referring to Metcalf] I am sending a member of my Cabinet, who is a Californian, to the Pacific Slope to see if he can not remedy matters. I shall exert all the power I have under the Constitution to protect the rights of the Japanese who are here, and I shall deal with the subject at length in my message to Congress.¹⁰⁵

Throughout this period, TR backed his pledge to protect the legal rights of Japanese in San Francisco within the limitations of the Constitution. In December, U.S.

¹⁰⁴ TR to Bonaparte, 10 August 1906, Roosevelt Papers.

¹⁰⁵ TR to Kaneko, 26 October 1906, Roosevelt Papers.

Attorney Devlin investigated the possibility of bringing a suit against the school board. As legal scholars weighed the case, however, it looked flimsy. Since the right of a school district to racially segregate was unquestioned, the main focus of these estimates involved the 1894 treaty and the constitutional supremacy of treaty power over state's rights. Most scholars agreed that the president had authority to enforce a treaty in cases involving states, as long as the issues did not constitutionally infringe on states' rights. However, the wording of the 1894 treaty did not specifically refer to the kind of schools Japanese students could attend. It only furnished the "same privileges, liberties and rights [of] native citizens." As the Jim Crow South had demonstrated, this kind of language did not guard ethnic groups from "separate but equal" services. Therefore, scholars disagreed as to whether local law or treaty rights would ultimately convince the courts of the legality of the segregation order.¹⁰⁶

Accordingly, the White House was uncertain if it could resolve the question in court. Roosevelt was also unconvinced that the pace of the justice system would allow the federal government to solve the issue in a time frame that appealed to Japan, whose citizens wanted the order rescinded immediately. In addition, before leaving for Panama, he authorized Secretary Root to "use the armed troops of the United States to protect the

¹⁰⁶ Theodore P. Ion, "The Japanese School Incident at San Francisco from the Point of View of International and Constitutional Law," *Michigan Law Review*, Vol. 5, No. 5 (Mar., 1907), 326-343.; Simeon E. Baldwin, "Schooling Rights under Our Treaty with Japan," *Columbia Law Review*, Vol. 7, No. 2 (February 1907), 85-92.; Hershey, 393-409.

Japanese in any portion of this country if they are menaced by mobs or jeopardized in the rights guaranteed them under our solemn treaty obligations.”¹⁰⁷

Even before his Panama trip, TR also prepared to publicly announce his support for Japanese rights in the U.S. in order to prove his sincerity to the Japanese government. He decided that the best forum for this declaration was in his December 1906 message to Congress. In late November 1906, the president told Metcalf: “I hope that my message will smooth over their feelings so that the Government will quietly stop all immigration of coolies to our country.”¹⁰⁸

Two points are clear in these letters to Root and Metcalf. The first is that there would be no “Big Stick” approach. Without the U.S. fleet in the Pacific, he had nothing to wield. Further, this proposal contained only “hopes” that the Japanese would stop immigration, but no demands on this point.

Secondly, the president was about to launch a public attack on the racist policies of San Francisco, in order to gain favor from a foreign country. If he could not win a legal settlement quickly, Roosevelt was willing to send U.S. troops to San Francisco to enforce treaty rights with another country.

Despite his threats, by pondering immigration restriction, TR attempted to find a way out of this predicament that involved compromise. His message to Congress, however, only incited resistance in San Francisco and prolonged the crisis. This partly resulted from TR’s threats to use federal power, but TR’s decision to push for Japanese naturalization also created resentment.

¹⁰⁷ TR to Root, 29 October 1906, Roosevelt Papers.

¹⁰⁸ TR to Metcalf, 27 November 1906, Roosevelt Papers.

In the meantime, U.S. Attorney Devlin prepared his suit against the San Francisco Board of Education, and began to search for a Japanese family willing to offer their child's services as a test case for the federal government. On November 13, Root sent Devlin a full argument on Japanese segregation. Root argued that the "rights of residence," guaranteed to the Japanese in the 1894 most favored nation treaty, included educational privileges.¹⁰⁹ On January 17, 1907, Devlin entered two suits against the school board. The first was brought in the Supreme Court of California on the behalf of a Japanese child, Kerkichi Aoki. When the principal of the Redding Primary School denied Aoki's father an admission application, Devlin filed for writ of mandamus to force the local courts to admit the child.¹¹⁰ The second suit went through the federal circuit court, where the federal government asked for an injunction to stop the school board from excluding Japanese students from schools.¹¹¹

Devlin presented his case in a statement to the press: "In the end the Roosevelt idea will be adhered to, and the Board of Education will be overruled. This will mean that Section 1662 of the State school law is unconstitutional, since it conflicts with a treaty."¹¹² Throughout this period, neither Roosevelt nor Root felt optimistic that these

¹⁰⁹ Elihu Root to the Acting Attorney General, 13 November 1907, Archives of the Department of State, quoted by Philip Jessup, *Elihu Root*, Vol. II, 1905-1937, (New York: Dodd, Mead, & Company, 1938), 11.

¹¹⁰ *San Francisco Evening Post*, 17 January 1906; *San Francisco Examiner*, 17 January 1906.

¹¹¹ Buell, 627.

¹¹² *San Francisco Evening Post*, 17 January 1906; *San Francisco Examiner*, 17 January 1906.

suits had any chance of a favorable decision.¹¹³ Mindful of this, the president prepared to use the “bully pulpit” in order to bring pressure on the San Francisco authorities.

TR’s 1906 Message to Congress

In November, as Theodore Roosevelt prepared the diplomatic section of his 1906 Message to Congress, he relied on government intelligence and his own convictions as to how the U.S. should approach the Japanese question in San Francisco.¹¹⁴ The Metcalf Report, diplomatic communiqués, and press reports revealed that Japanese schoolchildren continued to suffer harassment in the streets, and Californians directed acts of violence and boycotts at Japanese adults and businesses.¹¹⁵ TR determined to castigate San Franciscans for their behavior, knowing this would appeal to the Japanese government and its public, perhaps lessening their remonstrative tones.

With this in mind, the president addressed the nation on December 3rd, 1906.

Regarding Japan, Roosevelt began:

Not only must we treat all nations fairly, but we must treat with justice and goodwill all immigrants who come here under law...I am prompted to say this by the attitude of hostility here and there assumed toward the Japanese in this country. This hostility is sporadic and is limited to a very few places. Nevertheless it is most discreditable to us as a people, and it may be fraught with the gravest consequences to the nation.

¹¹³ Roosevelt to Root, 5 December 1906, Elting E. Morison, ed. *The Letters of Theodore Roosevelt*, vol. V (Cambridge, Massachusetts: Harvard University Press, 1954), 521; Root to Bonaparte, December 24 1906, file 1797, NARA.

¹¹⁴ Prior to 1933, the president’s Message to Congress (State of the Union Address) was delivered and read by a clerk in the first week of December. White House, “From Time to Time: History of the State of the Union,” [available on-line] at www.whitehouse.gov/stateoftheunion/history.html; Internet; accessed 1 March 2007.

¹¹⁵ *San Francisco Chronicle*, 28 October 1906.

After praising the achievements of Japanese civilization and their charitable donations to the San Francisco earthquake relief effort, Roosevelt turned to the question of the school order. First he accused the city of “shutting them out from the common schools.” The president termed the segregation action a “wicked absurdity.” Then, he threatened action:

Where the Federal Government has power it will deal summarily with any such...Even as the law now is something can be done by the Federal Government toward this end, and in the matter now before me affecting the Japanese everything that it is in my power to do will be done, and all of the forces, military and civil, of the United States which I may lawfully employ will be so employed. There should, however, be no particle of doubt as to the power of the National Government completely to perform and enforce its own obligations to other nations.¹¹⁶

Lastly, the president announced a legislative proposal that shocked the exclusionists in California. Rather than suggesting that Congress pass Japanese exclusion laws intended to alleviate the racial tension in California, he urged that Congress pass legislation naturalizing Japanese, which had never been granted to any Asian immigrant group.¹¹⁷

The residents of San Francisco reacted with outrage. Hearst’s *San Francisco Examiner* fired back at Roosevelt’s message in an editorial, claiming that the president made “a thinly veiled threat to take sides with Orientals against his own countrymen. The people of California are surprised – and grieved.”¹¹⁸ The Japanese heralded the president’s message. Baron Kaneko claimed that, in the person of TR, “no stronger or

¹¹⁶ The American Presidency Project, “Sixth Annual Message, 3 December 1906,” [page on-line]; available from <http://www.presidency.ucsb.edu>; Internet; accessed 1 March 2007.

¹¹⁷ Ibid.

¹¹⁸ *San Francisco Examiner*, 13 December 1906.

abler advocate could be found for Japan. When the text of his message bearing on the school message was fully translated...all could readily see and appreciate the profoundness of his arguments.”¹¹⁹

Immediately after the speech, the legal maneuvers against the San Francisco Board of Education became public knowledge, as the administration’s segregation test cases opened in an attempt to protect Japanese treaty rights in California.¹²⁰ To exclusionists and segregation advocates in California, the lawsuit served as additional evidence that the president was “taking sides” against them.¹²¹

In late 1906, both the president and Secretary Root gave speeches arguing that the Constitution gave the executive branch the ability to carry out broad federal objectives. These speeches stirred national concerns that the San Francisco question had become a harbinger of the erosion of states’ rights.

Treaty Agreements vs. States Rights

The Roosevelt Administration, by pursuing progressive reforms and a robust foreign policy, often came under criticism for increased use of federal authority. On October 5, 1906, (before the segregation issue began), President Roosevelt attempted to justify expanded use of federal authority. At the dedication of the new state capitol building in Pennsylvania, he argued: “We need, through executive action, through legislation and through judicial interpretation and construction of law, to increase the

¹¹⁹ *San Francisco Chronicle*, 2 February 1906.

¹²⁰ *San Francisco Evening Post*, 17 January 1906; *San Francisco Examiner*, 17 January 1906.

¹²¹ *Organized Labor*, 21 December 1906; *San Francisco Evening Post*, 10 December 1906.

power of the Federal Government. If we fail thus to increase it, we show our impotence.”¹²² Through greater power, the president reasoned, the federal government could more effectively meet the demands of a modern society. To TR and the Progressives, crises such as the coal strike of 1902, the battles over sanitary conditions in the meat packing industry, and railroad rate regulation were all proof that the country needed a strong, central government.¹²³

Roosevelt’s pronouncements in his Message to Congress to use “military and civil forces” in California shocked states rights advocates, as troops had not intervened in racial problems since the end of Reconstruction in the 1870s. A “strictly private” letter to Senator Eugene Hale, written a week before the Message to Congress suggested the serious nature of TR’s threat, and the stakes involved in protecting Japanese citizens and property in San Francisco:

The labor union people...are forcing the whole country...to incur grave risk. It is possible I may have to use the army in connection with boycotting or the suppression of mob violence.¹²⁴

In December, Secretary Root presented the president’s position on federal authority to a group of businessmen at New York’s Waldorf-Astoria Hotel during the height of the San Francisco segregation debate. Root justified federal intervention as especially necessary when state governments acted ineffectually. “It is useless for the advocates of State rights to inveigh against the supremacy of the constitutional laws of

¹²² *Harrisburg Patriot*, 5 October 1906 .

¹²³ Edmund Morris, *Theodore Rex* (New York: Random House, 2001), 137-137,150-169, 429- 448.

¹²⁴ TR to Senator Hale, 28 November 1906, Roosevelt Papers.

the United States, or against the extension of national authority in the fields of control where the States themselves fail in the performance of their duty,” he declared.¹²⁵

Throughout the following month, the press and Congress roundly debated Root’s speech. The *North American Review* printed highlights from the discussion. Its editor concluded that Root intended the speech as a “warning to each of the individual States...of [an inevitable] transference of its authority to the federal government.”¹²⁶

Eastern newspapers feared that the speech declared it “useless for the advocates of State rights to protest against the extension of national authority,”¹²⁷ and that “the Constitution would be found to vest power...by default in the national Government.”¹²⁸ The *Philadelphia Public Ledger* connected Root’s speech with the president’s speech in Harrisburg. Both speeches, argued the *Ledger*, were an effort to bring about “the broadening of the scope and powers of the national Government that this country has ever seen.” To the *Ledger*, this was “a warning and a threat of further action to come.”¹²⁹

The San Francisco press printed excerpts of Root’s speech, which both the mainstream press and labor journals criticized. *Organized Labor* asserted that the Roosevelt administration meant to “effect [sic] a complete revolution in the form our

¹²⁵ *San Francisco Evening Post* 14 December 1906; *Organized Labor* 19 January 1907.

¹²⁶ *North American Review*, 10 January 1907, 213. *The Review* was a magazine similar to *The Nation* and *Harper’s Weekly*. It featured political articles, fiction, book reviews, editorials, and in 1907 it was publishing installments of Mark Twain’s autobiography. Its editor, George Harvey, was “the paymaster of (literary) genius” with the “foremost authors on his payroll.” *Washington Post*, 3 March 1907.

¹²⁷ *Brooklyn Eagle*, quoted in *North American Review*, 10 January 1907, 214.

¹²⁸ *Hartford Courant*, quoted in *North American Review*, 10 January 1907, 214-215.

¹²⁹ *Philadelphia Public Ledger*, quoted in *North American Review*, 10 January 1907, 216.

Government has maintained since 1787.”¹³⁰ The mainstream press denounced it as an unfair attack on California’s rights.¹³¹ The *Examiner* reported that Root was “rebuked...for his fierce attack on states rights.”¹³² “There cannot be much doubt that Mr. Root and his chief favor the centralization of power at the expense of the States,” the *Call* alleged.¹³³

In January 1907, the U.S. Congress began to debate the subject of school segregation, treaty rights, and the federal government’s place in dealing with the controversy. In the Senate, John C. Spooner deemed Root’s message of federal authority “unprecedented” and “startling.” Senator Joseph B. Foraker called it “radical in its advocacy and approval of the centralization of power.” Foraker warily predicted: “In an important sense State lines are to be obliterated.”¹³⁴ On January 22, the House debated for a full day on the subject. Rep. David J. Foster of Vermont, citing Supreme Court precedent, claimed that “the treaty-making power of the National Government can by treaty stipulation provide that the subjects of Japan may enjoy...equally with the citizens of the State, such public schools that the State does maintain.”¹³⁵ Congressman Everis A. Hayes of California led the argument for states’ rights, reasoning that “there is not a particle of doubt that the...Board had a perfect legal right to do this,” since many states practiced racial segregation. Hayes also brought up the specter of precedent as it

¹³⁰ *Organized Labor*, 19 January 1907.

¹³¹ *San Francisco Examiner*, 13 December 1906; *San Francisco Call*, 17 December 1906.

¹³² *San Francisco Examiner*, 13 December 1906.

¹³³ *San Francisco Call*, 17 December 1906.

¹³⁴ *North American Review*, George Harvey, ed., January 10 1907, 216.

¹³⁵ U.S. House of Representatives, *Congressional Record*, 22 January 1907, 1577-1578.

pertained to the Jim Crow South. If treaty rights protected Japan, he argued, they also protected Great Britain. Therefore, “the colored subjects from Jamaica or the Bermudas could come to [racially segregated] Washington and insist upon attending the white schools here.”¹³⁶

Another aspect of the states’ rights debate involved the theory that the division of government’s power (federalism) could disable U.S. foreign policy. An editorial in the *North American Review* questioned whether the United States could ever rightfully claim to be a “world power.” The Constitution, the author argued, prevented the U.S. from operating as centrally controlled nation, as other world powers functioned. The author, writing under the pseudonym “Antifederalist,” reasoned that the Constitution left even a strong president “powerless to prevent misunderstanding in the present crisis,” since state laws had the power to derail treaties with other countries. Therefore, the author predicted, the reputation of America’s international authority would be continually tarnished by incidents such as the San Francisco confrontation. America’s standing had been reduced to a “sad spectacle, [as] this new-born ‘World Power’ [had to] beg...Japan to be kind.” The author asked:

Would [TR] order the local authority to rescind its illegal action? Any of the really strong Governments which were “sitting in the game” would have taken a summary and effective action. They are not only “World Powers,” but they possess and habitually exercise power over their own domestic affairs.¹³⁷

¹³⁶ *Ibid.*, 1578-1584. Hale cited the racist brand of accepted “science” of this era. He claimed that assimilation would lead to “mongrelization,” which “would bring only evil.” Hale listed studies claiming that miscegenation would lead to “social disorganization” and “degenerates.”

¹³⁷ *The North American Review*, 26 November 1906, 1107-1119.

Whether or not the president, his cabinet, and his political allies read the *Review's* article, the “Big Stick” president had only one constitutional option available; increase legal pressure on the San Francisco authorities in order to change their stance on segregation. Other than that, the president could negotiate on an equal basis with the city officials. Meanwhile, the declarations of federal authority served to unite the press in San Francisco on one topic: California’s right to regulate its schools.

As this debate intensified, so to did the demands for immigration exclusion. On January 17, a caucus of Pacific Coast congressmen discussed the best strategy to bring about an exclusion law, especially regarding Japanese laborers.¹³⁸ However, the increased drive to exclude Japanese immigrants was not only due to factors such as racism, class war, or states’ rights. Rumors that immigrants posed a threat to national security also drove exclusion demands.

December War Scare

The tension brought about by the segregation order revived the war scares of 1905, and these rumors persisted from December 1906 to March 1907. The December scare emanated mainly from the California press, which renewed the plot of a Japanese attack utilizing war veterans posing as ordinary immigrant laborers from Hawaii. On December 1, the *Examiner* warned that, in the event that Japan should attack, the Atlantic fleet would take three months to arrive on the west coast.¹³⁹ In the next few weeks, several press reports conveyed vague rumors that hordes of Japanese laborers waited to emigrate to Hawaii. The *San Francisco Evening Post* claimed, “they are the advance

¹³⁸ *San Francisco Examiner*, 17 December 1906.

¹³⁹ *Ibid.*, 1 December 1906.

guard of thousands of others...of laboring classes throughout the interior portions of Japan.”¹⁴⁰ A *San Francisco Call* editorial suggested that although an invasion was considered unlikely because of Japan’s burdensome Russian war debt, the Philippines and the rich Alaskan oil fields would be an easy target, and could potentially offset the high costs of another military conflict.¹⁴¹

In mid-December, Hearst’s *San Francisco Examiner* repeatedly detailed rumors of Japanese mobilization. The newspaper relayed accounts of two “fully-officered regiments disguised as coolies” drilling at night in Hawaii.¹⁴² A few weeks later, the paper reported that these troops stored rifles in a Japanese school on Maui, and fully trained troops unloaded in Hawaii from naval reserve cruisers with mounted guns.¹⁴³ On December 14th, the *Examiner* printed rumors that the Japanese navy planned to land on the small, unprotected island of Lanai. From there they would link up with 2,000 “trained fighting men” from among the latest Japanese immigrants to Hawaii.¹⁴⁴ “Japan Sounds Our Coast: Spies of Emperor Plot to Land at Monterey Bay,” read an *Examiner* headline the next week. Under the guise of an abalone fishing trawler, the report claimed, the Japanese stood “in instant readiness to land an army at Santa Cruz,” where the U.S. had not stationed any guns. The Japanese troops would then be “prepared to march to San Francisco.”¹⁴⁵

¹⁴⁰ *San Francisco Evening Post*, 3 December 1906.

¹⁴¹ *San Francisco Call*, 4 December 1906.

¹⁴² *San Francisco Examiner*, 7 December 1906.

¹⁴³ *Ibid.*, 31 December 1906.

¹⁴⁴ *San Francisco Examiner*, 14 December 1906.

¹⁴⁵ *Ibid.*, 19 December 1906.

Calmer voices from the national press, however, scoffed at the notion of war. *The Nation's* editors urged Americans to adopt a more reasoned approach: "The duty of patriots is to uphold the efforts of the Administration to arrive at a peaceful solution, and not to go about predicting war and bragging about how we are going to whip the Japanese."¹⁴⁶ The magazine warned that a war with Japan would not result in a "whipping," even if the U.S. devoted the full strength of the Atlantic squadrons.¹⁴⁷

Although the press manufactured the December war scare, TR's letters reflected his own anxiety. In a December 19, 1906 letter to Congressman George E. Foss, Chairman of the House Committee on Naval Affairs, TR wrote:

I don't want to lead the race for big ships, but it seems to me well nigh criminal for us to fall behind. I think the ship provided for last year and the ship to be provided for this year, two in all, should be at least eighteen thousand tons. Japan's new battleship, the Satsuma, is of this size, which is the Dreadnought size. I do not think we can afford to take any chances with our ships.¹⁴⁸

In a letter to Benjamin Ide Wheeler, the President of the University of California at Berkeley, Roosevelt commented: "I am most anxious to bring about a peaceful understanding with Japan by which each country shall bar out the laborers of the other. I

¹⁴⁶ *The Nation*, 6 December 1906.

¹⁴⁷ A comparison of the Japanese and American naval forces supports *The Nation's* forecast, since neither country held any decisive advantages. According to *The Statesman's Year-Book of 1907*, Japan had 10 "modern," or "big-gun" battleships, 28 cruisers, and 22 destroyers. In contrast, the United States had 20 modern battleships, 19 cruisers, and 16 destroyers. Since the Americans would need to protect their Caribbean and Atlantic interests during a Pacific conflict, the U.S. was considered to be disadvantaged. Additionally, in order to secure their imperialist ambitions, both the U.S. and Japan were actively building more battleships, including the "dreadnought" battleship that Great Britain first launched in December 1906. J. Scott Keltie, ed., *The Statesman's Year-Book: Statistical and Historical Annual of the States of the World for the Year 1907* (New York: The Macmillan Company, 1907), 227-228.

¹⁴⁸ TR to Foss, 19 December 1906, Roosevelt Papers.

want to do this in a way which will leave Japan our friend instead of an enemy eager and perhaps able to do us frightful damage whenever the opportunity arises.”¹⁴⁹

Even though war talk died down in early January, it resurfaced by the end of the month. The national governments of both countries hoped for a prompt settlement, and they worked through diplomatic channels to prevent any misunderstandings in the interim.

Root and White Prepare Diplomatic Channels with Japan

From December to early February 1907, the State Department grappled with the problems caused by the influx of Japanese laborers under the Hawaii loophole. In a dispatch to Ambassador Wright, Root blamed illegal immigration as “the real cause of difficulty in San Francisco.” Correspondingly, in November of 1906, Wright was instructed to politely ask the Japanese government if “they would not regard favorably [the U.S. government’s] suggestion to withhold passports to Hawaii from persons of laboring class,” as they had done in 1900.¹⁵⁰ If the U.S. could convince Japan to limit immigration, Root reasoned, the San Francisco authorities could be persuaded to rescind their order.¹⁵¹

Wright approached the Japanese government about such a restriction plan. However, after a month of positive signals from the Japanese ministers, they eventually denied Wright’s proposal. On December 15, Foreign Minister Hayashi informed him that

¹⁴⁹ TR to Wheeler, 20 December 1906, Roosevelt Papers.

¹⁵⁰ Root to Wright, 19 November 1906, file 1797, NARA.

¹⁵¹ From November 1906 to January 1907, Root and Wright conducted secret immigration negotiations with Foreign Minister Hayashi and Japanese Ambassador Siuzo Aoki. These talks formed the basis of what is now known as the Gentleman’s Agreement of 1907-1908.

curtailing passports to Hawaii would be politically embarrassing and "difficulties...would result." The minister blamed America's lack of control over the flood of laborers leaving Hawaii, and told Wright that Japan could no longer assume sole responsibility for the Hawaiian loophole by limiting passports. Hayashi asked Wright: "Would it not be possible to amend [your] Emigration Laws so as to provide that when foreign governments issue limited passports, [your] government should or might restrict emigrants accordingly[?]"¹⁵² Relaying this sentiment to Washington, Wright suggested to Root that such a law might "largely relieve [the] situation."¹⁵³ Root agreed that the U.S., and not Japan, should assume the initiative. He approached Ambassador Aoki and Minister Hayashi with an idea for a congressional bill, and the ministers replied that such a law would be a satisfactory, albeit temporary solution. However, their one condition was that San Francisco desegregate its Japanese students.¹⁵⁴

The diplomatic path was now clear for Theodore Roosevelt to solve the Japanese foreign policy altercation by first convincing Congress to pass a law halting Japanese immigration from Hawaii. Secondly, the president had to convince the San Francisco authorities to rescind the city's segregation order.

Mayor Schmitz Lashes Out

As the issues swirling around the segregation question played out on a national and diplomatic level, the Union Labor Party attempted to defend itself against its opponents. The hero of the earthquake and fire disaster, Eugene E. Schmitz, was indicted

¹⁵² Wright to Root, 20 December 1906, file 1797, NARA.

¹⁵³ Wright to Root, 26 December 1906, file 2542, NARA.

¹⁵⁴ Wright to Root, 1 February 1906, file 2542, NARA.

on graft charges in November 1906.¹⁵⁵ He also faced a faction composed of business and mainstream press that posed a dangerous threat to the mayor's once promising future. Throughout this period, however, the Union Labor Party, the Exclusion League, and the labor press remained loyal to his administration. Between November 29, 1906, when Schmitz returned from Europe, and January 31, 1907, when Schmitz left for Washington, his constituency publicly supported him both in print and at rallies. While doing so, they continued to attack the Heney-Langdon prosecution.

On November 16, a *San Francisco Evening Post* editorial accused the reforming "Judases" of a grand conspiracy, including encouraging the mayor to take a trip "for health and instruction." The piece continued:

No sooner had the Mayor set foot in Europe than these same millionaires began to plot his ruin and to stab the hand that had helped them... These same men who were on the Committee of Forty have been chiefly instrumental in organizing the Grand Jury which has indicted Mayor Schmitz in his absence; these same men have imported Prosecutor Heney for the avowed purpose of sending the Mayor to the penitentiary."¹⁵⁶

By December 4th, the *Evening Post* believed they had pieced together the true motivations behind the prosecution's efforts. "Persecution of the labor administration," the article warned, was "merely the forerunner of the destruction of the labor unions of this city."¹⁵⁷ The next day, the *Post* urged its readers to beware of the "diabolical lies" of the press aligned with the prosecution, especially as it pertained to the mayor.¹⁵⁸

¹⁵⁵ *Oakland Examiner*, 16 November 1906.

¹⁵⁶ *San Francisco Evening Post*, 16 November 1906. The Committee of Forty was a subcommittee formed a few weeks after the Committee of Fifty.

¹⁵⁷ *Ibid.*, 4 December 1906.

¹⁵⁸ *Ibid.*, 5 December 1906.

On December 23, Schmitz lashed out at both the prosecution and the president at a rally sponsored by the Exclusion League. The meeting featured a list of speeches by most of the city and state union leaders who gathered “to protest against President Roosevelt’s pro-Japanese policy and to condemn the biased report of Metcalf.” In his speech, the mayor echoed many of the claims of the *Evening Post*, calling his prosecution part of the “relentless war between the toiler and the man who would make of him an obedient slave.” He also attacked the “putrid press of San Francisco,” noting, “I speak out here and now because I cannot get an honest expression through the press of this city.”¹⁵⁹

Turning his remarks toward the school segregation situation, the mayor launched into a rhetorical attack on the president’s Message to Congress, which Schmitz “read with pain and regret that part which indicated the president’s willingness to elevate the Japs to a footing with ourselves,” as he “propose[d] that we shall make citizens of the Japanese.” The president not only took the side of the Japanese, Schmitz argued, but also with “the San Francisco press, the rich manufacturers, the money lenders, the bankers and the capitalists, the fruit growers and the big dealers.” Since they previously supported TR, this surprised the labor community. “I had expected more of him in defense of the people of this community,” lamented the mayor. “Roosevelt likened us unto a mob, engaged daily in assaulting the Japanese. Roosevelt utters a falsehood when he speaks thus.” The unions of the city, Schmitz continued, simply protected their own interests, and the Japanese children and their families would have to settle for the city’s decision, because

¹⁵⁹ Minutes of Japanese and Korean Exclusion League, 3 February 1907, Labor Archives and Research Center, San Francisco State Library, San Francisco.

the segregation order was really part of a larger fight. The real struggle was against a “class [who] would like to use the Jap as a cudgel with which to beat down the American workingman.” The mayor remarked:

Does President Roosevelt want us to sustain in our schools a people who pay no tax, who owe us no allegiance and who despise our flag? Does he wish to have us offer our daughters and sons in marriage to the immoral mongrels of Asia? Does he wish us to embrace the pagan as a brother and disrupt our fireside and our home ties? He says we have much to learn from the Japanese. Well, if he wants us to learn how to live on 25 cents a day, as does this malignant and corrupt Japanese, he will discover that we decline to accept the instruction – and we will meet him on any footing he desires to make good that point.¹⁶⁰

By devoting so much of his speech to the Japanese question, Schmitz made a political gamble that this popular issue could save his mayoralty in the face of prosecution. Indeed, the crowd heartily approved, giving the mayor “an ovation that lasted some time.”¹⁶¹ Facing an upcoming legal battle, Schmitz hoped he had found a winning political issue in race baiting and Japanese exclusion.

¹⁶⁰ *Labor Clarion*, 28 December 1906.

¹⁶¹ *Ibid.*

III: The White House Negotiations

In late January 1907, the Roosevelt administration's covert diplomatic negotiations with the Japanese confirmed that an exclusion treaty hinged on putting a stop to the segregation order in San Francisco. Short of winning U.S. Attorney Devlin's dubious lawsuit, however, the city authorities held all constitutional clout in the affair. This left TR with his hands tied. On January 30, the president called the ten members of the Californian Congressional delegation to the White House to discuss the matter. The president, Secretary Root, and the congressmen met in a two-hour closed-door meeting, and TR laid the groundwork for an invitation to the San Francisco officials. He did this, in part, by revealing the truth of much of what the press had reported: The segregation order posed a real threat to national security.¹⁶² The president disclosed that he had not only ordered Secretary of War Taft to secure extra reinforcements in Hawaii, but he feared that Japan's best opportunity to strike the U.S. was some time before the completion of the Panama Canal. Japan might attack without warning, as they had done at Port Arthur against the Russians.¹⁶³

After the meeting, the *Call* interviewed a member of the congressional delegation who became convinced that "war with Japan is inevitable." The congressman continued:

¹⁶² At least one member of the congressional delegation began to divulge the content of these discussions, which the president stressed, needed to be highly secret, since he was passing along classified information regarding the diplomatic difficulties the San Francisco segregation had caused. Through the source (or sources,) reporters from the Washington bureaus of the *Examiner*, *Chronicle* and the *Call* all uncovered the proceedings of the "secret" meetings. The *Examiner* correspondent, in an article entitled, "Roosevelt Sees War Ahead," reported that he extracted the events of the meetings as he met with the congressman in a local saloon. *San Francisco Examiner*, 1 February 1907.

¹⁶³ *San Francisco Call*, 1 February 1907.

It will not come today or tomorrow, but sooner or later a test of strength will come on the question of which nation shall control the Pacific. This fact is realized by the leading members of the President's administration. [Military officers predict] that on the declaration of war Japan would seize the Philippines, take Hawaii and try to occupy Alaska. With the Philippines once in possession of the Japanese, it is asserted by military authorities, a navy would have to be rebuilt to take them, and this would prolong the struggle anywhere from two to five years.¹⁶⁴

The Invitation

With these apprehensions in mind, the meeting's participants decided to have the federal authorities send an urgent invitation to the San Francisco Board of Education, and two congressmen sent the following telegraph to the superintendent of schools and the president of the board on January 31:

At the request of the President and the Secretary of State, we ask you to come here immediately for a conference with them and with the California delegation.¹⁶⁵

According to the *Call*, when the school board leadership received the telegraph on February 1, they gathered at Mayor Schmitz's office to discuss their next steps.¹⁶⁶ The *Call* reported that the board members implored the mayor to join them, "point[ing] out the extreme importance of their mission." Knowing that the president meant to change their minds on the segregation matter, they stated publicly that they felt the mayor could

¹⁶⁴ *San Francisco Call*, 1 February 1907. The *Call's* source also divulged that TR resorted to calling Schmitz "the bassoon-player, whose tune is hot air." This apparently caused embarrassment for both the president and the mayor, since the president later apologized to Schmitz in their first meeting. After the quotes and information from the meeting was broadcast by the *Call* and the *Bulletin*, (and later by eastern papers,) an irate TR decided to bar all of the California representatives of Congress from the upcoming school segregation meetings.

¹⁶⁵ *San Francisco Chronicle*, 31 January 1907.

¹⁶⁶ *San Francisco Call*, 1 February 1907. Each member of the school board was an appointee of Mayor Schmitz.

advise them on the best course. They were also aware of the ominous military reports in the press that, they presumed, prompted Roosevelt to summon them. The board informed the mayor that, “they needed his assistance...[since the board] would be accountable to the people of the city for any steps they might take in Washington.”¹⁶⁷

At their meeting, the board and Schmitz decided that all nine members would travel to the capitol, with the mayor as their spokesman, for two reasons. First, for practical purposes, bylaws made it impossible to make any policy changes without a complete delegation.¹⁶⁸ Second, the board, at least publicly, felt the mayor lent a sense of *gravitas* to the delegation and considered the mayor “something of a diplomat himself.”¹⁶⁹ The *Call* reported that the mayor worried that the graft trial, already under way, would prevent him from leaving the city. However, the judge allowed him to leave on official city business, and Heney did not object.¹⁷⁰

It is possible that the board made calculated compliments and polite requests to set the mayor up to take the fall in the negotiations. Schmitz, moreover, had little to lose. His reputation as a hero of the April 18 earthquake had been overshadowed by the allegations of criminal activity. The White House meeting was Schmitz’s opportunity to gain back his lost standing. An unnamed Union Labor Party leader exclaimed, “we are

¹⁶⁷ *San Francisco Call*, 2 February 1907.

¹⁶⁸ *San Francisco Chronicle*, 2 February 1907.

¹⁶⁹ *San Francisco Examiner*, 2 February 1907.

¹⁷⁰ *San Francisco Call*, 2 February 1907; *San Francisco Examiner*, 2 February 1907.

delighted with the prospect of the indicted Mayor returning from the national capitol covered with glory, and acclaimed the savior of the country in a war with Japan.”¹⁷¹

Even before Schmitz left the city, the mainstream press began to attack him. The newspapers portrayed the upcoming meeting as political opportunism. On February 2, the *Chronicle* charged: “Although under indictment for felony and charged for committing crimes against the people of this city, Mayor Schmitz has taken advantage of his official position to intrude himself into the [segregation] controversy. The results of his action may be disastrous to the cause of the people of this city.” The *Call* accused the mayor of “trying to make political capitol out of the present crisis.”¹⁷²

The members of the school board announced they “were delighted” that the mayor joined them as their spokesman. For his part, the mayor declared that he and the board would not “back down at the first words” of the president.¹⁷³

Prognostications and Added War Scares

President Roosevelt, a statesman recently decorated with the Nobel Prize, soon met a group of local politicians to negotiate issues of foreign policy that threatened war. The group’s leader was charged with graft and was out on \$25,000 in bail. Political cartoons of the day parodied the “Rough Rider” roping the mayor and his board.¹⁷⁴ However, the stakes in the matter, combined with the constitutional restrictions, continued to frustrate the president, as he worried to his son:

¹⁷¹ *San Francisco Chronicle*, 4 February 1907.

¹⁷² *San Francisco Call*, 2 February 1907.

¹⁷³ *San Francisco Examiner*, 3 February 1907.

¹⁷⁴ *Ibid.*, 2 February 1907.

I am having my hands full over the Japanese business. The San Franciscans are howling and whooping and embarrassing me in every way, and their manners are simply inexcusable. They have no business to have kept the Japanese out of the schools and their whole attitude is very bad. We may have serious trouble ahead.¹⁷⁵

Similarly, as Mayor Schmitz boarded the Overland Express on February 3, the local papers he carried with him continued to ratchet up the war scare. The *Call's* front page claimed that 6,000 Japanese veterans of the Russian war now resided in Hawaii. Customs officers, the article continued, discovered medals and discharge papers in the effects of the veterans, and the men practiced military drills under cover of moonlight. An unnamed Japanese officer veteran told the reporter to “expect war in 18 months.”¹⁷⁶ In the same issue of the *Call*, an editorial viewed TR’s invitation as a meeting that could decide the country’s path between war or peace: “The reasons behind his urgent request is that San Francisco must back down [or] Japan will be angered to the point of a resort to arms and may even attack the U.S. without further notice.”¹⁷⁷

Meanwhile, after the *Call's* unnamed congressional source divulged the military uncertainties revealed in the White House meeting, yet another war scare unfolded in the press. On February 1, the *Evening Post's* headline read, in bold type, “Japan May Have Issued an Ultimatum! War Rumors Electrify the Capital.” The *Post* continued, “The situation has been more acute than was generally understood, and this was the reason the conference with the School Board was summoned.”¹⁷⁸ In the face of these threats, the

¹⁷⁵ TR to Kermit Roosevelt, 4 February 1907, Roosevelt Papers. In the letter, TR referred to the constitutional restrictions as “the governmental conditions such as ours.”

¹⁷⁶ *San Francisco Call*, 3 February 1907.

¹⁷⁷ *Ibid.*

¹⁷⁸ *San Francisco Evening Post*, 1 February 1907.

editorial urged the delegation to stand its ground, and proclaimed, “This is a white man’s country and we desire that it remain so. The means to accomplish this end is by exclusion.”¹⁷⁹

Not all Americans fell into a state of panic, however. Many believed that the White House manufactured the war scare to gain the upper hand in the segregation matter and, in particular, garner support for military appropriations and a naval build-up. The *Chronicle’s* editors tried to reassure its readers that “war was not the ‘bogy man’ that President Roosevelt dangled before the Californians to scare them into making a settlement with Japan.”¹⁸⁰ The *Call* intimated that TR “purposefully exaggerated the dangers of war so as to frighten” the board.¹⁸¹ In a speech to the Japanese and Korean Exclusion League two days before the party embarked, O.A. Tveitmoe exhorted the San Franciscans to stand their ground, no matter the consequences. “Yet even should there be a war with Japan we should not yield,” he stated. “[Roosevelt] is going to ask them to surrender their rights while he negotiates a treaty with Japan, giving that nation the right to dictate our internal administration and make us half vassal to Japan.” The head of the League reminded the board that what really mattered was not segregation but exclusion, and demanded, “the Chinese exclusion act [must] be extended to the Japanese and Koreans.”¹⁸²

Before leaving for Washington, Mayor Schmitz gave an interview with the *San Francisco Chronicle*. He declared that he traveled with an open mind, since the issues

¹⁷⁹ *San Francisco Call*, 3 February 1907.

¹⁸⁰ *San Francisco Chronicle*, 2 February 1907.

¹⁸¹ *San Francisco Call*, 7 February 1907.

¹⁸² Minutes of the Japanese and Korean Exclusion League, 2 February 1907.

presented “grave national issues to meet.” Consequently, Schmitz prepared the city for compromise:

We are going there to give a decision on the...controversy, and we are prepared to settle the matter. [This] shows that we are ready to make any concessions that may be necessary for the good of the Nation. If we are asked by President Roosevelt to sacrifice local interests for the benefit of the whole Nation we may make such concessions. If the issue is squarely put before us by [TR] as to which we would prefer – maintaining our present attitude on the school question and suffering from the continuing influx of Japanese coolies, or abandoning our position on the school question and securing a treaty with Japan to stop coolie immigration, I think we will decide to yield on the school issue and have coolie immigration, which presents the greatest menace to our workingmen.¹⁸³

According to a California congressman, TR also struck a conciliatory mood as the meetings approached.¹⁸⁴ After speaking with the president on January 31, the source believed the president had “changed his mind since he wrote the message” to Congress. Whether or not this was wishful thinking, the congressman predicted, the president “has concluded that a solution can be evolved which will be more satisfactory to the people of California.”¹⁸⁵ As the delegation neared Washington, the *Chronicle* predicted that Roosevelt was “convinced of the wisdom of the exclusion of all manual workers...and that everybody’s ‘face’ can be saved.”¹⁸⁶

The congressional source, identified as “one of the most influential members of the California delegation,” continued to reveal the president’s mindset before the delegation arrived. In an interview with the *Call*, the congressman related the

¹⁸³ *San Francisco Chronicle*, 4 February 1907.

¹⁸⁴ Washington correspondents reporting for the San Francisco newspapers seldom failed to quote congressmen from California anonymously, at least during this event.

¹⁸⁵ *San Francisco Chronicle*, 2 February 1907.

¹⁸⁶ *Ibid.*, 5 February 1907.

administration's classified and sensitive efforts, through Root and Wright, to arrange an exclusion treaty with Japan. The source also pointed to an important aspect of the upcoming negotiations; Congress was scheduled to adjourn on March 5. Therefore, "time is now so short...that I have doubts that we can get a treaty and an exclusion act through." The congressman warned that if no settlement was forthcoming, "there may be startling developments."¹⁸⁷

Arriving in Washington by train on February 8, after being delayed by a snowstorm in Wyoming, the party checked in at the Willard Hotel. A *Chronicle* correspondent conducted a short interview with Mayor Schmitz, and he defended his city's policy of Japanese school segregation: "They not only receive education, but they receive a better education than our own children, as the system provided for them gives them individual instruction."¹⁸⁸ When pressed to comment on the president's negotiating reputation, Schmitz responded by stating that he was not so much ready to make a deal, he was ready to bestow a patriotic deed: "The mere fact that we have responded to the President's call is sufficient evidence that we stand ready to make concessions, if we are convinced that in doing so the whole country will profit by our action."¹⁸⁹

Both sides – the president and the San Francisco delegation – had reasons to quickly achieve a settlement. TR needed a quick resolution, for one, because he and the administration took the Japanese threat seriously.¹⁹⁰ Secondly, the March 5

¹⁸⁷ *San Francisco Call*, 5 February 1906.

¹⁸⁸ *San Francisco Chronicle*, 8 February 1907.

¹⁸⁹ *Ibid.*, 9 February 1907.

¹⁹⁰ Root to Metcalf, 27 October 1906, file 1797, NARA; Root to Wright, 1 February 1907, file 2542, NARA.

congressional adjournment also represented a looming deadline, in case the Senate needed to approve a treaty. Further, if Congress adjourned, U.S. Attorney Devlin might lose the Aoki test case during summer recess, which would leave the federal government almost completely hamstrung in their efforts to change the segregation order.

Similarly, Mayor Schmitz realized the benefits of a prompt settlement, since his political prestige and his upcoming trial hung in the balance, especially if the agreement included Japanese exclusion. In addition to the Exclusion League and the *Evening Post*, the mainstream press publicly clamored for Japanese exclusion.¹⁹¹ The *Chronicle* demanded “that a law may be passed by Congress excluding Japanese laborers.”¹⁹² The *Call* similarly exclaimed: “This is white man’s country and we desire that it remain so. The means to accomplish this end is exclusion!”¹⁹³ The headline of the *Bulletin’s* editorial page on February 1 read: “If We Can Get Exclusion, Let Us Make Concessions.” The piece urged the school board to “endure ninety-three Japanese pupils in the schools, provided we can thereby protect ourselves against the future Immigration of coolies. It is a low price to pay for an immense benefit.”¹⁹⁴

From both the mayor’s and the president’s perspectives, San Francisco supported exchanging Japanese segregation in return for exclusion. A concession of exclusion from the federal government, all the while preventing a war with a major power, might offer the mayor a chance for legal redemption. On February 8, Schmitz repeated his patriotic

¹⁹¹ *San Francisco Chronicle*, 2, 5, 6 March 1905; *San Francisco Bulletin*, 17, 18 January 1907; *San Francisco Examiner*, 15 December 1906; *San Francisco Call*, 12, 14 February 1907.

¹⁹² *San Francisco Chronicle*, 6 February 1907.

¹⁹³ *San Francisco Call*, 3 February 1907.

¹⁹⁴ *San Francisco Bulletin*, 1 February 1907.

justifications for dropping segregation in return for exclusion: “I was born in San Francisco, and I am for her first, last and always, but still above all I am an American. I would concede my position rather than see it become injurious to the country.”¹⁹⁵ It was now up to him and the delegation to win a concession that would bar the Japanese not just from the schools, but from the ports as well.

In order to win an advantageous settlement, the San Francisco delegation bargained with an experienced and highly educated administration. In contrast, none of the Union Labor men had Ivy League degrees or extensive government experience. A school district newspaper clippings scrapbook described each of the men who met with the president. Their backgrounds ranged from candy makers to newspaper circulation managers, and their attorney was in his first year of practice.¹⁹⁶ Clearly, this group could not match the resumes of Roosevelt, Root, and Secretary of War William H. Taft. Regardless, President Roosevelt realized that, to some degree, he would probably be forced to back down.¹⁹⁷

On the evening of February 8, the San Francisco delegation met with two of California’s U.S. representatives, Julius Kahn and E.A. Hayes. The congressmen informed the delegation that the next day’s agenda had been already set. The president wished to confer privately with the mayor in the morning, then with the city’s delegation in the afternoon. The congressmen advised the group to appease the president, and

¹⁹⁵ *Portland Morning Oregonian*, 8 February 1907.

¹⁹⁶ The article describing the delegation was found in a School District scrapbook in the San Francisco Public Library. The date and title of the newspaper was cut away.

¹⁹⁷ *San Francisco Chronicle*, 2 February 1907. This is established by the earlier comments of the unnamed Congressman.

“placate Japan on the school question before an exclusion treaty could be brokered,”¹⁹⁸ since an agreement on a treaty was impossible without Japanese approval. For Schmitz, this recommendation to surrender must have been a complete surprise. He could not return home with only the promise of a treaty, but the advice of the congressmen must have carried great weight. Back home, the *Call* already reported that the eastern press predicted that when Schmitz finally met TR, “one whirl of the big stick will send him scurrying.”¹⁹⁹

Despite his six years as president, TR felt uneasy about the prospects for the upcoming negotiations. On the day of the first meeting (February 9) Roosevelt wrote George Kennan, confiding: “This has been one of the most difficult situations with which I have had to deal. Of course, at bottom the trouble is not in the least about the schools. It is partly labor, and partly deep-rooted racial antipathy, the extent of which fairly astounds me.”²⁰⁰ TR also expressed his concern to his son, Kermit. “We are now doing our best to come to an agreement with [the San Francisco delegation] by which we shall be able to bring to an end the condition of things which threatens so much trouble between us and Japan,” he noted. “I earnestly hope we can do it without hurting Japan’s

¹⁹⁸ *San Francisco Call*, 9 February 1907. California’s congressional delegation was not invited to the negotiations, since at least one of the Congressman had broken the vow of silence that TR had imposed on their earlier meetings; *San Francisco Chronicle*, 14 February 1907.

¹⁹⁹ *San Francisco Call*, 9 February 1907.

²⁰⁰ TR to George Kennan, 9 February 1907, Roosevelt Papers. Kennan was the grandfather of the Cold War diplomat.

feelings. The Japanese, however, are pretty cocky and unreasonable and we may have trouble with them at any time.”²⁰¹

As he received cabled reports of the headlines from his home city, Mayor Schmitz also had reason to be anxious. The *Call*'s headlines announced; the “Big Stick Poised for Schmitz,” and the “Mayor Weakens When Capitol Is Reached.” The *Chronicle* repeated this refrain, predicting in a headline that the mayor was “Ready to Give Ground.”²⁰²

The Negotiations: Schmitz and His "Surrender"

On the morning of February 9, Schmitz and Roosevelt met in the president's office. According to a school board member, the president and the mayor cleared the air of previous press reports, as they both denied “statements that have appeared in the newspapers.” The source added that the president's personality “profoundly impressed” the mayor.²⁰³

Following an afternoon meeting that included the full delegation, *The Bulletin* published erroneous accounts of the meetings not found in any of the other San Francisco newspapers. The paper reported that officials told Schmitz the president was busy, and that he should return in the afternoon. The *Bulletin* also claimed that the city delegation, when in TR's presence, “could aid him greatly by keeping still.”²⁰⁴ Later in the article, the reporter wrote several remarks reflecting the hostility Schmitz felt toward the

²⁰¹ TR to Kermit Roosevelt, 9 February 1907. Roosevelt Papers.

²⁰² *San Francisco Chronicle*, 9 February 1907.

²⁰³ *Oakland Tribune*, 9 February 1907. The White House and the San Franciscans pledged to each other that there would be no public discussion or leaks to the press. When the idea of secrecy was first suggested, Elihu Root thought that the participants of the meetings should be known as the charter members of the “Clam Club.” Philip Jessup, *Elihu Root*, Vol. II 1905-1937, (New York: Dodd, Mead, & Company, 1938,) 13.

²⁰⁴ *San Francisco Bulletin*, 9 February 1907.

Bulletin. When the reporter approached the mayor, the correspondent was “startled” when Schmitz lashed out at the *Bulletin* and the city’s press, stating: “We don’t read your paper; we don’t have anything to do with the San Francisco newspaper men.”²⁰⁵

The *Bulletin* fracas foreshadowed the manner of reporting the board encountered on the part of the San Francisco papers. For the next few days, coverage featured highly conflicting and often erroneous accounting of the negotiations. The *Examiner*, the *Call*, and the *Bulletin* all engaged in a story-breaking competition to proclaim the fall of Schmitz.

Reporting on the first day of the meetings, the *Examiner* ran a front-page story with four headlines:

Roosevelt Has Easy Victory
Schmitz Deserts Labor for Japs
Mayor and School Board to Make Complete Surrender
To Yield Every Point Now Under Dispute

The story reported that the mayor, in his morning meeting with Roosevelt on February 9, had “negotiated a settlement himself.” Schmitz made these promises, the paper claimed, because he “expected political rehabilitation” as the graft trials loomed. The story went on to conflictingly report that “no agreement was reached” between the parties.²⁰⁶ The next day, the *Examiner* informed its readers that earlier reports contained factual flaws, but its assertions would eventually unfold. The mayor had not given in just yet: “[Schmitz] will inform President Roosevelt to-morrow that the latter can have his

²⁰⁵ Ibid. The mayor’s remarks touched off a shouting match between the reporter and members of the delegation, in which the *Bulletin*’s correspondent warned: “Just wait until you get through with Roosevelt!” A board member shouted back, “Roosevelt? Why, we are going to tell him what’s what. We know our business. Just you see.”

²⁰⁶ *San Francisco Examiner*, 9 February 1907.

own way in settling the...school controversy. This will be the official confirmation of what the President and Schmitz agreed to yesterday.”²⁰⁷ Again, the report did not include evidence to support this assertion.

The *Call* ran similar headlines and included the same types of erroneous rumors. The *Call* announced:

Schmitz Is Said to Have Capitulated to the President.
Schools Are to Be Opened to Japanese.
Mayor Is Reported to Have Yielded in Private Conference at White House

However, on the next page, another article in the *Call* quoted Schmitz as stating: “Nothing has been decided. The delegation and the President each presented his side of the case. The meeting was entirely friendly, but I am not prepared to say that it was satisfactory.”²⁰⁸ Despite Schmitz’s assertions, the next day the *Call* again reported that the mayor had given up:

Schmitz Yields to Demand of President
Hopes to Escape at Graft Trial by Capitulating in Anti-Japanese Fight
Thinks Roosevelt Will Assist Him
Looks to White House for an Official Statement That Will Whitewash Him

The text of this article, however, reported nothing about any effort by Schmitz to give up. Instead, the *Call*’s readers learned that Schmitz and the board prepared an exchange. The San Francisco Board of Education would admit Japanese students in the white schools in return for “arrangements to be made with Japan for the exclusion of coolie laborers.”²⁰⁹

²⁰⁷ Ibid., 10 February 1907.

²⁰⁸ *San Francisco Call*, 10 February 1907.

²⁰⁹ Ibid., 11 February 1907.

Of all the San Francisco dailies, the *Bulletin's* treatment of the first days of the negotiations demonstrated the most biased coverage, possibly stemming from the earlier personal clashes between the reporter and the delegation, but also possibly due to the editorial commands of its owner, Fremont Older. The headlines differed little from those of the *Call* or the *Examiner*, as the *Bulletin* charged that Schmitz had “Back[ed] Down” at the outset. However, the reporter directed personal jibes at Schmitz, such as the observation that the mayor looked “a little bit scared” when he emerged from the first meeting with Roosevelt. The reporter remarked: “[Mayor Schmitz] was not invited here in the first place and now probably wishes he had stayed home.” “Schmitz is simply playing to get some sort of agreement and then rush back,” the article added, “and tell the people that Roosevelt gave him credit for the settlement...which would help him when he was tried on the boodle charges.”²¹⁰

While the mainstream press in San Francisco accused the mayor of conceding, (with the exception of the *Chronicle*, which reported that Schmitz kept “standing firm” against the president), the *Evening Post* vociferously defended Schmitz.²¹¹ On February 11, the *Post's* headline read:

Hostile Lies About Schmitz!
Reports of Surrender to President Roosevelt are Malicious Falsehoods
in Every Particular

The article alleged that the mainstream press planned their coverage before the delegation even arrived in Washington. In particular, Older's *Bulletin* led the effort to smear the mayor, and the *Call* and the *Examiner* attempted to keep up with the

²¹⁰ *San Francisco Bulletin*, 11 February 1907.

²¹¹ *San Francisco Chronicle*, 11 February 1907.

sensational coverage by fabricating accusations of their own. In a “Special Dispatch,” a *Post* report charged that the *Bulletin* had “instructed their correspondents here to send out false reports to discredit Mayor Schmitz and party.” An editorial followed the dispatch in the *Post*, describing the “malice that envenoms the articles published in the *Examiner*, the *Call* and [the] rotten *Bulletin*.” The *Post* accused all three mainstream newspapers of specific journalistic errors and abuses, and defended the delegation as having the “loftiest patriotism,” proclaiming, “organized labor and the community at large must not lose sight of the fact that a prize of value incalculable is in sight, and that is the exclusion from this country of cheap labor from the empire of the rising sun.” Accordingly, the *Post* urged its readers to give Schmitz and his fellow officers “fervent thanks and the heartiest commendation for the course they have pursued throughout all these negotiations.”²¹²

Unfortunately for the mayor, the responses from the Japanese and Korean Exclusion League failed to heed the *Post*’s advice. O.A. Tveitmoe, the president of the League, after reading the reports from the mainstream press, concluded that Mayor Schmitz had abandoned the cause of exclusion. Tveitmoe hastily cabled the mayor, urging him to change course.²¹³ The telegraph stated:

Morning papers announce in big head lines that Schmitz deserts labor for Japs – Mayor and School Board make complete surrender. We cannot and will not believe it. Exclusion League...demands exclusion by act of Congress. Sovereign rights must not be bartered away for promises and should be basis for compromise. We will not yield one iota of our rights as a sovereign people. If President wants to humiliate American flag let him tell California Governor and Legislature to repeal the law, but he cannot coerce free Californians to bow in

²¹² *San Francisco Evening Post*, 11 February 1907.

²¹³ The telegraph arrived amid 300 other messages to the delegation from California. *New York Times*, 10 February 1907.

submission to the will of the Mikado. California is the white man's country and the Caucasian graveyard.²¹⁴

Upon reading Tveitmoe's cable, Schmitz immediately wrote back, begging the labor community to trust him in the secret negotiations. "Announcement in morning papers absolutely false," the mayor protested. "Have made no arrangements up to date of any kind. Story false, like all other statements made about me. I am a Californian, trying to do my duty to my State. Cannot proceed if hampered by hostile press of San Francisco."²¹⁵

At this point, after receiving word that his home papers unfairly blamed him for surrendering, Schmitz refused to budge on the segregation issue. The *New York Times* reported the effects of both the San Francisco news reports and Tveitmoe's telegram on the White House negotiations on February 11. As the afternoon meeting of February 10 concluded, Schmitz received word of the developments revolving around the sensational coverage, and he reiterated that no agreement had been reached. Both he and the president were in the process of "modifying our views" he stated. The *Times* reported that the true difficulty in reaching an agreement was the problems created by the coverage of the San Francisco press:

When the San Franciscans seem disposed to compromise a point their home papers announce that San Francisco has been betrayed, and forthwith telegrams begin to pour in on the delegates. Then they are not so willing to compromise.

The *Times* concluded, "Altogether, the President has no easy path to tread."²¹⁶

²¹⁴ *New York Times*, 10 February 1907; *Bulletin*, 11 February 1907.

²¹⁵ *New York Times*, 10 February 1907.

²¹⁶ *New York Times*, 11 February 1907.

At the end of the negotiations of February 10, the *San Francisco Chronicle* observed: “The President was greatly annoyed at the outcome of the conference today.” According to a California congressman, the president’s frustration lay in his weak bargaining position, because (referring to exclusion) “[TR] can’t deliver the goods” without promising the Japanese desegregation. Unlike the other mainstream dailies in San Francisco, the *Chronicle* concluded that TR found himself “in danger of being balked by a man he is said to have referred to in contemptuous terms.”²¹⁷

On February 11, 1907, the parties met for two hours in the White House. The president emphasized the impact of segregation on foreign diplomacy with Japan, and he warned the delegation that Japan’s embarrassment might evolve into provocation.²¹⁸ The federal government had to intervene, because the situation potentially threatened the country. In his autobiography, TR described the arguments he used in the negotiations:

I explained that the duty of the National Government was twofold: in the first place, to meet every reasonable wish and every real need of the people of California or any other State in dealing with the people of a foreign power; and, in the next place, itself exclusively and fully to exercise the right of dealing with this foreign power.

Inasmuch as in the last resort, including that last of all resorts, war, the dealing of necessity had to be between the foreign power and the National Government, it was impossible to admit that the doctrine of State sovereignty could be invoked in such a matter. As soon as legislative or other action in any State affects a foreign nation, then the affair becomes on for the Nation, and the State should deal with the foreign power through the Nation.²¹⁹

²¹⁷ *San Francisco Chronicle*, 11 February 1907.

²¹⁸ *Ibid.*, 12 February 1907.

²¹⁹ Theodore Roosevelt, *Theodore Roosevelt, An Autobiography* (New York: Charles Scribner’s Sons, 1924), 379. Though TR undoubtedly used the threat of war during the meetings, he and Root knew that he often became too overbearing, and they used a system to prevent TR’s temper from flaring in their meetings with Schmitz and the board. Root sat at Roosevelt’s left, and when the president began to argue too intensely,

Despite these arguments, the mayor refused to shift his position. Meanwhile, as the San Francisco press realized that they had prematurely announced surrender, the *Call* and the *Examiner* retracted their earlier claims and faced the fact that the negotiations were nearing an impasse.²²⁰

Subsequently, the *Call's* headlines shifted. On February 12, the front page claimed: "School Directors Found Unyielding. Flood of Telegrams From City Brings About Renewed Determination."²²¹ The *Call's* correspondent reported, "the President and Secretary Root were surprised at the unyielding attitude of the Californians." The paper quoted the mayor as being "incensed" over the newspaper agitation. The mayor denounced rumors such his initially being turned away from a "busy" TR, as well as the titillating gossip that the delegation could not speak in the White House as untrue. Lastly, Schmitz reminded his city of his determination not to "be charged with frittering away the rights of the State without securing any compensating benefit."²²²

On the same day, the *Examiner*, which reported that the mayor yielded "every point" just two days before, now described Schmitz as engaged in a "tangle." No agreement had been reached, and the mayor pointedly objected to "statements made in various papers [stating] they were on the point of yielding everything."²²³ Despite this information, the *Examiner's* reporter continued to insist that the mayor and the president

Root would click his pencil on a mahogany table. This trigger evidently calmed TR. *San Francisco Examiner*, 15 February 1925, quoted in Jessup, 13.

²²⁰ The *Bulletin* remained surprisingly silent on the meetings until four days later (February 16).

²²¹ *San Francisco Call*, 12 February 1907.

²²² *Ibid.*

²²³ *San Francisco Examiner*, 12 February 1907.

had reached a deal in secret. The next four days of negotiations proved these assertions false.

A New Plan

By February 12, the president and Secretary Root realized, and the press now learned, that the negotiations neared an impasse. Mayor Schmitz made it clear that desegregation would not occur without immigration exclusion, and without desegregation, there would be no movement on the Japanese side.²²⁴ The only available alternative to the Roosevelt administration, it seemed, was to follow the advice of Japan's Foreign Minister, Tadasu Hayashi, who had counseled Ambassador Wright to enact legislation to halt Hawaiian immigration. Root drew up legislation that gave the president the power to halt any immigrant group that traveled from U.S. territory to the mainland "to the detriment of labor conditions therein."²²⁵ Root proposed that the new powers granted to the president could be attached as an amendment to an existing immigration bill about to be introduced. Root knew many congressmen opposed granting the executive branch wide-ranging powers on immigration restrictions, but the Secretary of State realized an exclusion provision would sway the San Francisco delegation to agree to immediately drop their segregation order.²²⁶

On February 11, Root conferred with Senator Henry Cabot Lodge, Chairman of the Senate Committee on Immigration. Root wrote:

²²⁴ *New York Times*, 12 February 1907. The *Times* reported that "the California delegation seem to be determined to stand pat." As Schmitz told Tveitmoe in his February 10 telegram, he had promised not to speak publicly on the matter.

²²⁵ *New York Times*, 13 February 1907.

²²⁶ Root to Lodge, 11 February 1907, File 2542.

You will perceive that from the Japanese point of view all that the President will be doing under such a provision will be to enforce the limitations that Japan herself puts into her passports, while, from our point of view, the provision will enable the President to keep Japanese laborers out unless Japan undertakes to force them upon us directly, which she is apparently far from wishing to do.²²⁷

An ally of the president, Lodge consented to the amendment. Root also consulted the Speaker of the House, Joseph G. Cannon, as he drew up the amendment.²²⁸ The full amendment read:

That whenever the President shall be satisfied that passports issued to any foreign government to its citizens to go to any country other than the United States, or to any insular possessions of the United States, or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.²²⁹

A Solution to the Conundrum

When Root and Roosevelt presented the amendment to the San Francisco delegation in a meeting on February 12, Mayor Schmitz signaled that the immigration amendment would be a satisfactory compromise temporarily ending the crisis, as long as Roosevelt promised, in writing, that exclusion treaties with Japan would eventually follow.²³⁰ As to the segregation question, the *Portland Morning Oregonian* reported that Secretary Root sent Japan an outline of the agreement, the reply to which was that “it

²²⁷ Root to Lodge, 11 February 1907, File 2542.

²²⁸ *San Francisco Chronicle*, 13 February 1907.

²²⁹ *New York Times*, 13 February 1907.

²³⁰ *New York Times*, 13 February 1907.

might be acceptable provided the law was made general in terms and the school dispute be settled beforehand.”²³¹

The *Chronicle* reported that Schmitz had telegraphed friends in San Francisco, promising them that he would not back down on the school order without both an exclusion amendment and a treaty promise.²³² In an editorial on February 14, the *Chronicle* opined that the amendment would temporarily solve the problem.²³³ The *Oakland Tribune*'s editor agreed, writing that the amendment would “aid materially” in responding to the “demand of the Pacific Coast States for the exclusion of Japanese coolies.”²³⁴ By February 15, Schmitz hoped that he would experience a turnaround in the press's treatment. In a story entitled, “Now Praise Mayor Schmitz,” Schmitz told the *New York Times*, “The newspapers have changed their tactics and are now inclined to give us a ‘fair deal.’”²³⁵

The *Call*'s treatment of the agreement (on February 13) was more even-sided than its previous reporting, as proven by the headline, “School Board Will Yield, It Is Thought, to What Virtually Is Exclusion.” The *Call* added, Roosevelt “has been embarrassed by the unyielding attitude of the Californians.” An unnamed California congressman speculated that the threatening circumstances had been on the mayor's side in the negotiations, but he conceded: “The President changed his position.” The

²³¹ *Portland Morning Oregonian*, 13 February 1907. Root also suggested that the school board attach age limits for admittance into their primary schools, applicable to all ethnic groups.

²³² *San Francisco Chronicle*, 13 February 1907.

²³³ *Ibid.*, 14 February 1907.

²³⁴ *Oakland Tribune*, 13 February 1907.

²³⁵ *New York Times*, 15 February 1907.

legislator concluded that the president “was forced to conclude that exclusion was the only way to avoid eventual war.”²³⁶

After diplomats fully disclosed the terms to the Japanese, Ambassador Aoki publicly stated his support for the immigration agreement.²³⁷ The *New York Times* reported, “Japan regards with favor the amendment which [will be added] to the immigration bill, which prevents coolies.”²³⁸

Filibuster and Approval of the Amendment

Republicans on the Senate Committee on Immigration readily approved Root’s immigration amendment. However, Southern Democrats opposed it on the grounds that it gave the president too much power to choose which immigrants to reject, and threatened to filibuster the bill on the floor in the event that the committee hastily passed the amendment without adequate time for review. Democratic Senator Ben “Pitchfork” Tillman of South Carolina led the movement for a “full-fledged filibuster,”²³⁹ and he added that if the amendment reached approval; “it closes the door to the only class of

²³⁶ *San Francisco Call*, 13 February 1907.

²³⁷ *Ibid.*

²³⁸ *New York Times*, 15 February 1907. This is supported by diplomatic correspondence between Root and Wright revealing that Foreign Minister Hayashi had already secretly agreed to the general idea of such an agreement on January 11. Wright to Root, 11 January 1907, file 1797, NARA.

²³⁹ *San Francisco Chronicle*, 15 February 1907. Tillman earned his nickname during the split of the Democratic Party in 1896, when he threatened to go to the White House and “poke old Grover with a pitchfork” to prod him into action. 1896: Cartoons and Commentary, “Benjamin Tillman” [page on line] Available from <http://projects.vassar.edu/1896/tillman.html>; Internet; accessed 22 November 2005.

desirable white blood we can get.”²⁴⁰ Chairman Lodge, believing Tillman’s rhetoric might offend the Japanese, threatened to move the debate behind closed doors.²⁴¹

In the ensuing debate, several Congressmen warned that the amendment gave the president too much power. Senator Edward Carmack, a Democrat from Tennessee, complained: “I believe...that a foreign power has browbeaten the Government of the United States and browbeaten a sovereign state of this Union into a surrender of its rights to control its own affairs.”²⁴² Carmack continued his attacks on Roosevelt. “One of the President’s aphorisms is to speak softly and carry a big stick,” he remarked. “He seems to have interpreted that in this instance so as to speak softly to foreign nations and carry a big stick for the backs of his own people.”²⁴³

However, Tillman’s threats ended when he realized that, beyond a few southerners, very little support for his filibuster existed. Tillman bitterly noted, “The South’s interests are as usual ignored: the Pacific Coast, of course, is taken care of. I don’t see why there should be a prejudice against [Japanese], yet I am willing to keep them out if it brings war.”²⁴⁴

On February 16 the Senate passed the immigration bill, primarily due to Elihu Root’s correspondence with Ambassador Wright and the secretary’s relationship with Senator Lodge. Schmitz called on Root at the State Department, and informed him that the board had officially voted to rescind the segregation order, and the Japanese students

²⁴⁰ *San Francisco Examiner*, 16 February 1907.

²⁴¹ *San Francisco Chronicle*, 16 February 1907. As the debate commenced in committee, the San Francisco delegation watched from the gallery.

²⁴² *New York Times*, 17 February 1907.

²⁴³ *San Francisco Chronicle*, 17 February 1907.

²⁴⁴ *Portland Morning Oregonian*, 16 February 1907.

would attend white schools when the president signed the bill into law. Root told the *Morning Oregonian*, “Everything looks serene.”²⁴⁵ The *New York Tribune* reported that the Secretary had “every reason to believe” that the House would pass the bill, since the president would threaten use his power to recall Congress during the recess should it fail.²⁴⁶

Mayor Schmitz publicly announced that the delegation unanimously endorsed the amendment. “The California Commission which came here to confer with the President on the Japanese question has not conceded any of its rights,” stated the mayor. “State sovereignty was absolutely insisted upon.” In the agreement with the White House, the board also included alterations to its ordinance, adding fine print to the rights of the Japanese in the city. One change was that school children under sixteen years could attend white schools, on the condition that the children spoke English.²⁴⁷ For those children who did not speak English adequately, the new codes announced: “Special schools are to be established for children of alien birth who are deficient in the elements of the English language.”²⁴⁸

Roosevelt and Schmitz secretly agreed to other specific arrangements regarding Japanese children in San Francisco’s schools. However, they agreed that the school board would not implement these provisions until the bill was signed, for fear that Japan might back off on the deal.²⁴⁹ In the meantime, Schmitz knew that this might not

²⁴⁵ *Portland Morning Oregonian*, 16 February 1907.

²⁴⁶ *New York Tribune*, 15 February 1907.

²⁴⁷ *New York Times*, 16 February 1907.

²⁴⁸ *San Francisco Examiner*, 19 February 1907.

²⁴⁹ *Portland Morning Oregonian*, 17 February 1907.

appeal to the exclusionists in his city, but he asked them to have patience and to trust him. In a cable to Tveitmoe, the mayor promised, “amendment to immigration bill only forerunner of what is to follow. Cannot make public full details until law. Have not relinquished any of our rights. Agitation at this time may complicate satisfactory settlement.”²⁵⁰

In contrast to the Exclusion League, Schmitz held no influence over the mainstream newspapers in his home city. In the first days of negotiations, when it appeared that the mayor had not initially surrendered, both the *Call* and the *Examiner* offered balanced coverage, as they acknowledged the delegation’s firm stance against desegregation. However, when the agreement had been finalized, the papers abandoned all efforts to present the outcome in an impartial manner were ignored, as the four mainstream city dailies rushed to break the story as one of capitulation.

The *Call* accused the mayor of “raising the flag of surrender,” and proclaimed the agreement “one of the most bewildering displays of big sticks in Washington.” The contrived arrangement, claimed the *Call*, reflected just not a desire to steer clear of embarrassing Japan, but to “avoid a possible outbreak [of violence] on the coast.”²⁵¹ In an editorial, the paper also objected to the amendment because it gave the president too much power “to make his own laws” regarding immigration. In short, the president “wants the whole Government.”²⁵²

²⁵⁰ *Portland Morning Oregonian*, 16 February 1907.

²⁵¹ *San Francisco Call*, 16 February 1907.

²⁵² *Ibid.*, 15 February 1907.

The *Examiner* also criticized the mayor, and its Washington correspondent revived his earlier, erroneous report that the mayor had “surrendered” on February 8. On the 13th, the reporter claimed, “The Mayor is able to already confirm the reports of last Saturday [February 8] that he surrendered without remonstrance to President Roosevelt.”²⁵³ On February 14, before any settlement had been reached and five days after the president confided his difficulties to Kennan, the *Examiner’s* correspondent reported that “the President is going to have his way...As a matter of fact, the executive, who loves a battle, seems to be constantly disappointed that the game was so easy, easy, easy. He went after bear and flushed rabbits.”²⁵⁴

Reaction to the Agreement

When the parties reached a settlement on February 16, the *Examiner* reporter continued to attack the mayor. The paper duly reported the news of the 16th was duly reported, including the delegation’s extraction of an immigration amendment; as well as a promise that the federal government would seek “a treaty that will for a specific number of years prevent and influx of Japanese to the Pacific Coast.” Despite this, the *Examiner* alleged: “Mayor Schmitz’s presence and his instant surrender made not a particle of difference in the result...[He] had no more to do with settling the important phases of the question than the Sultan of Sulu.”²⁵⁵ The next day however, the *Examiner* reported: “The entire Californian [Congressional] delegation...unanimously indorsed [sic] the

²⁵³ *San Francisco Examiner*, 13 February 1907.

²⁵⁴ TR to George Kennan, 9 February 1907; *San Francisco Examiner*, 14 February 1907.

²⁵⁵ *San Francisco Examiner*, 16 February 1907.

action of the School Board.”²⁵⁶ On the 19th, in a front page article where the *Examiner* charged, “Schmitz’s Surrender Complete - - - Schools Open to Japanese,” the fact that the school question was exchanged for an exclusion clause was ignored until the fifth paragraph of the article.²⁵⁷ In the same issue, the *Examiner*’s political cartoon featured a Japanese adult male sitting next to white children in a school. Since the settlements included age limits, such a scenario would be impossible under the recently negotiated city codes.

The *Bulletin*, after declining to report on the meetings for four days, claimed the mayor agreed to “desert exclusion” and made a “complete reversal.” Schmitz “did not win a single concession,” the paper declared. He “gave away everything at the first flourish of the big stick, and must bear the blame that will be forthcoming from San Francisco.”²⁵⁸ During the next few days, the *Bulletin*’s political cartoonist paid close attention to a comment the mayor made before he left for Washington, where he supposedly promised that Japanese exclusion would be achieved. In one cartoon, a “Japanese Exclusionist” calls the mayor a “fraud” after he failed to bring about a “Japanese Exclusion Bill.”²⁵⁹ In another cartoon, entitled the “Cherry Tree Modernized,” the mayor menacingly wields an axe in front of a tree with Japanese faces hanging from its branches. The trunk is marked, “Japanese Immigration Cherry Tree,” and Schmitz mutters, as he eyes the trunk, “I won’t do a thing to that tree.” In the inset, the mayor is flattened by one of the fruits, which is now a lemon, marked “For Schmitz.” The axe is

²⁵⁶ *San Francisco Examiner*, 17 February 1907.

²⁵⁷ *Ibid.*, 19 February 1907.

²⁵⁸ *San Francisco Bulletin*, 16 February 1907.

²⁵⁹ *Ibid.*, 17 February 1907.

inscribed, “Exclusion Bill.”²⁶⁰ The message to the reader from the two cartoons is clear: The exclusion amendment did not amount to what the mayor promised before he embarked for the capitol.

Despite earlier coverage adhering strictly to the facts of the negotiation, the *Chronicle* also denounced the mayor’s efforts. On February 16, the *Chronicle* headlined: “Schmitz Bows to the Will of President,” and reported that the school board “recede[d] from its position” vowing to keep Japanese students out of white schools.²⁶¹ The following day, an article entitled, “Schmitz Will Bring Back a Gilded Brick,” argued that since the amendment granted the president the power to evaluate laborers, exclusion might not be carried out in the manner San Francisco had hoped.²⁶² In the February 18 edition of the *Chronicle*, Frank A. Maestretti, former president of the Board of Public Works, asserted that Schmitz “has killed himself politically by what he has done in Washington. He can never poll another labor union vote to this city if he has surrendered to Roosevelt on the Japanese school question.”²⁶³

Regardless of criticism in San Francisco, labor allies in Washington fêted Mayor Schmitz. On February 19, the labor unions of the capitol honored him with a reception in Typographical Hall, where they greeted Mayor Schmitz and the school board with “thunderous applause.” Samuel Gompers, the President of the American Federation of Labor, gave a speech that the labor press in San Francisco eventually printed. Gompers credited Schmitz for “bringing about in ten days what, otherwise, could not have been

²⁶⁰ *San Francisco Bulletin*, 19 February 1907.

²⁶¹ *San Francisco Chronicle*, 16 February 1907.

²⁶² *Ibid.*, 17 February 1907.

²⁶³ *Ibid.*, 18 February 1907.

accomplished in as many years...in the way of Japanese exclusion...Mayor Schmitz has done more for the country and particularly for the workingmen than anything else done in the interest of labor as one proposition, since the Civil War.”²⁶⁴

As Gompers continued, he exposed the president’s side of the “secret” promise between Schmitz and Roosevelt:

In addition they have obtained from the President his personal assurance that he will favor additional legislation by treaty and otherwise, prohibiting the entrance into this country of Japanese laborers, whether skilled or unskilled. The President has pledged himself to this policy and has promised to bring about the desired result in the speediest manner possible. And all this has been done without the loss by California of any of her rights, and practically without any change in her policy.²⁶⁵

When California learned these facts, Gompers argued, “despite all the malicious statements of his traducers...the threatened stones will turn into garlands of roses to meet their entrance into San Francisco.” Referring to the graft prosecution, Gompers added, “I hope [Mayor Schmitz] may confound his enemies who are seeking his destruction.”²⁶⁶

As the lone Union Labor ally in the daily press, the *Evening Post* did its best to celebrate the delegation’s “Victory Won for California.” Because of their “ceaseless effort,” the mayor and the school board had “brought about the passage of a bill shutting out the Japanese from bordering countries and insular possessions.”²⁶⁷ *Organized Labor* urged its readers to “wait and watch results.” The weekly journal, edited by Exclusion League president Tveitmoe, stated:

²⁶⁴ *San Francisco Evening Post*, 19 February 1907; *Organized Labor* 16 March 1907.

²⁶⁵ *Ibid.*

²⁶⁶ *Ibid.*

²⁶⁷ *San Francisco Evening Post*, 16 February 1907.

We have ample reason to believe that Mayor Schmitz and the Board of Education received more in Washington than we could possibly expect after the lambasting we were submitted to in the President's message.

There would be only gratitude if it were not for the defamers of Mayor Schmitz, a hostile, subsidized, venal press and the enemies of trade unionism.²⁶⁸

U.S. Representative Kahn supported the delegation, exclaiming, "The people of California owe an everlasting debt of gratitude to Mayor Schmitz and his associates for what they have accomplished."²⁶⁹

School board members defended their cause and the mayor's efforts in the press. Assistant City Attorney John Williams argued: "The only concession we have made is to admit Japanese children to white schools, while in return the Administration has brought about the exclusion of Japanese Laborers from this country."²⁷⁰ Williams added, "special classes will be organized for them in the white schools." In fact, the integration of Japanese students did not affect a single white classroom, as all of the Japanese students received special instruction in separate rooms.²⁷¹ According to the *Chronicle*, one of Schmitz' unnamed "henchmen" in San Francisco exhorted, "Had it not been for the firmness and cleverness which the Mayor exhibited in his negotiations with President Roosevelt, this step toward coolie exclusion would not have been obtained."²⁷²

Opinion on the east coast was mixed. On February 15, the *New York Tribune* applauded the Roosevelt administration for authoring an immigration amendment

²⁶⁸ *Organized Labor*, 24 February 1907.

²⁶⁹ *New York Times*, 19 February 1907.

²⁷⁰ *San Francisco Chronicle*, 19 February 1907.

²⁷¹ *Ibid.*

²⁷² *Ibid.*, 18 February 1907.

“adroitly appropriated as a vehicle for closing by legislation an unpleasant diplomatic incident.”²⁷³

In its February 21 edition, *The Nation* disagreed, calling the bill “makeshift legislation” that gave the president “tremendous power” domestically.” At the same time, *The Nation* posited, the president was forced to “pull back considerably on his attitude towards Japanese.” The magazine pointed out that, in his Message to Congress, TR emphatically called for naturalization, and had spoken out against “the folly and wickedness of race prejudice and hatreds.” His speech proclaimed “a new and impressive chapter in international morality.” Now, *The Nation* lamented, the president had engaged in an about-face, deciding to exclude a large percentage of Japanese immigrants, and dropping his test case against Japanese segregation. The mayor, *The Nation* thundered, emerged “triumphant,” while the episode was “humiliating” for the president.²⁷⁴

In the northwest, the *Portland Morning Oregonian* found the amendment’s exclusion provisions unclear, because the order depended on the “discretion” of the executive branch’s implementation. The clamor from the west coast would continue if the president’s “discretion is not speedily invoked to rid the state of the Japanese, and a perhaps louder outcry will be heard from Japan if he heeds the demands of the Californians.”²⁷⁵

²⁷³ *New York Tribune*, 15 February 1907.

²⁷⁴ *The Nation*, 21 February 1907.

²⁷⁵ *Portland Morning Oregonian*, 17 February 1907.

One missing aspect to the agreement, as pointed out by the mainstream press of San Francisco, was that the immigration bill did nothing to prevent Japanese immigrants from traveling directly to the U.S., rather than through Hawaii. However, the *Oregonian* reported that Secretary Root was working toward an informal agreement with the Japanese on this front.²⁷⁶ Three days later, the *Oregonian* reported that the State Department had succeeded in bringing about a settlement with the Japanese, stating: “It is expected that Japan will keep her subjects out of the U.S.”²⁷⁷

Diplomatic communications during this period confirm the *Oregonian*'s reports. On February 19 (one day after the measure had passed the House), Root sent the full text of the amendment to Ambassador Wright.²⁷⁸ At the end of the telegraph, the secretary wrote:

We hope that this action will be regarded with satisfaction by the Government of Japan. Express to Government of Japan informally our hope that she will withhold issue of passports for United States mainland to laborers skilled and unskilled and our wish to proceed with negotiations for treaty.²⁷⁹

After receiving the cable, Wright met with Minister Hayashi in Tokyo. The ambassador reported that, “he seemed pleased with the solution and will write me a note giving assurance that the Japanese Government will not issue passports to the mainland of the United States but to Hawaii only.” On February 23, Wright sent back an official statement from the Japanese government. Hayashi's order stated: “No passports are granted to either skilled or unskilled Japanese laborers for the mainland of the United

²⁷⁶ *Portland Morning Oregonian*, 17 February 1907.

²⁷⁷ *Ibid.*, 20 February 1907.

²⁷⁸ *San Francisco Evening Post*, 18 February 1906. See Appendix G for full text of the amendment.

²⁷⁹ Root to Wright, 19 February 1907, File 2542, NARA.

States.”²⁸⁰ Thereafter, these cables came to be known as the Gentleman’s Agreement of 1907.²⁸¹

Mayor Schmitz and the San Francisco delegation left Washington on February 20. Armed with a new exclusion bill that would bar two-thirds of the immigration from Japan and still hearing the applause of the Washington labor unions, Eugene Schmitz hoped that his political and legal prospects in San Francisco had improved.²⁸²

²⁸⁰ Wright to Root, 23 February 1907, File 2542, NARA.

²⁸¹ Esthus, 164; LaFeber, 89.

²⁸² See Appendices “J” and “K” for Immigration Statistics. Before returning for California the New York Times reported that one of the school board delegation stated: “The amendment...had solved the difficulty and gained for them the practical elimination of 2/3rds of the Japanese immigrants, who come from Hawaii.” *New York Times*, 21 February 1907.

IV: Schmitz Returns to an Angry City, and the Agreement is Revealed

On March 6, the school board delegation arrived in San Francisco. The negative press in San Francisco dashed Mayor Schmitz' dream of returning home as a national hero. No welcoming crowds greeted the mayor and his party. Instead, the *Evening Post* remarked, the returning city officials simply went back to work.²⁸³

During the seven-day trip, Schmitz had compiled a detailed defense of his actions. The mayor promised the president that he would keep quiet about the details of the agreement until TR began to enforce the immigration bill. However, in four days, the mayor's graft trial would resume, and it appeared that Schmitz's desperate attempt to regain his lost standing had failed.²⁸⁴

The labor press, however, did its best to welcome the school board delegation as conquerors. The *Evening Post's* March 7 headline read: "People Win a Big Victory!" The paper claimed that the delegation had "surrendered no right whatever," and blamed the "boughten newspapers" for their slanderous coverage of the negotiations, particularly the *Bulletin*, which was "still fat with the hire of the Spreckels-Phelan contingent."²⁸⁵

The March 8 edition of the *Labor Clarion* accused the president of performing a "somersault" from the time that "he penned his remarkable message threatening us all sorts of punishment if we failed to heed his orders." Mayor Schmitz, the *Clarion* pointed

²⁸³ *Evening Post*, 7 March 1907.

²⁸⁴ *Ibid.*

²⁸⁵ *Evening Post*, 7 March 1907.

out, had brought about the somersault, and the president intended to “negotiate a treaty with Japan that will exclude coolies.”²⁸⁶

Organized Labor and its editor, O.A. Tveitmoe, saw the delegation’s work as a great achievement. On March 9, the journal attacked “the daily papers which have gloated over what will happen when the grown Japanese students are sent back to the white schools.”²⁸⁷ Instead, *Organized Labor* argued, Mayor Schmitz brought about what the League had envisioned since it had been organized in 1905:

It is safe to say that Japanese exclusion is no longer a remote possibility, but an assured fact... The rotten eggs and cobblestones provided by a hostile press will be turned into flowers and garlands by a grateful people when it is realized the Japanese invasion has now been stopped, and when it is understood that this was accomplished in a few days over almost insurmountable obstacles.²⁸⁸

The Mayor’s Letter to San Francisco

On March 10, a day after TR publicly pledged to pass the exclusion bill, and three days before the immigration amendment went into effect, Mayor Schmitz released a letter to the city, defending his actions.²⁸⁹ He had gone to Washington, he said, to respond to “business...most urgent and of the highest importance to the country.”²⁹⁰ The mayor hoped the city’s newspapers would present an issue of “great importance to the entire nation,” in “the preservation of peace between Japan and the United States”. Instead, the mayor charged:

The three morning dailies of this city and at least one of the evening papers have resorted to every method known to falsify the reports of the proceedings at

²⁸⁶ *Labor Clarion*, 8 March 1907.

²⁸⁷ *Organized Labor*, 9 March 1907.

²⁸⁸ *Ibid.*

²⁸⁹ *San Francisco Examiner*, 9 March 1907.

²⁹⁰ *San Francisco Evening Post*, 10 March 1907.

Washington in an endeavor to deceive the public. Under flaring headlines they have stated, day after day, that we had “lowered the American flag” to the Japanese; that we had “betrayed the State,” “bargained away its rights” and “offended its dignity,” and that we had receded from the position assumed by the Board of Education in reference to Japanese pupils in the public schools.

All of these statements are absolutely false, maliciously false, and when published were published with knowledge of their falsity.²⁹¹

The mayor went on to describe the negotiations between his delegation and the president, from his perspective. In the first few days, the parties discussed “every phase of the public school question,” a topic which the mayor felt was “greatly misunderstood by the President and the Secretary of State.” The mayor continued:

They also discussed the possibility of getting an exclusion bill through Congress, which presently seemed a dead letter, especially this late in the session. After days of give-and-take, however, both parties finally agreed that, in order to avoid an impasse, the board would “remove...terms [i.e., segregation] to which objection [by the Japanese] had been made,” in return for “immediate exclusion under a law as might be enacted before the adjournment of Congress, and for a stronger treaty, and an absolute exclusion law at the next session of Congress.

This bill, argued the mayor, “shuts the doors against these undesirable immigrants....a horde of 15,000 to 20,000 additional Japanese.”²⁹²

To achieve exclusion, the mayor argued that he had surrendered nothing. The October resolution remained in effect, with only a few “change[s] in wording.” There were three minor changes: (1) the resolution would apply to all children of alien races, in order to not offend the Japanese, (2) any child “deficient in the English language” would be sent to a special school, (3) adult children of all races will not be allowed to attend

²⁹¹ Ibid.

²⁹² *San Francisco Evening Post*, 10 March 1907.

primary schools. In closing, the mayor concluded, “the effect of the new resolution, therefore, will be practically the same as was the effect of the October resolution.”²⁹³

The Reaction in the Press

Schmitz’s letter drew varied responses from the mainstream press. The *Examiner* continued to claim that the Schmitz administration had “receded” and “backed down” from its pledge not to budge on segregation.²⁹⁴ The *Bulletin* reported that nine Japanese girls now attended a white school. “The little parade which they made to the school this morning,” the correspondent opined, “was to the celebration of the Mayor’s surrender to the big stick.”²⁹⁵ On March 16, the *Call* headlined: “School Board Keeps Word on Roosevelt Acts: White House Immediately Announces Close of the Bargain.”²⁹⁶ The article relayed the exact details of the agreement; the segregation terms (earlier summarized in Schmitz’s letter) would go into effect; and, the immigration amendment now empowered customs officials to bar all immigrant laborers traveling from insular possessions to the mainland U.S.²⁹⁷ Lastly, the *Call* reported that U.S. Attorney Devlin planned to drop the lawsuits against the city.²⁹⁸

Despite its headlines and the now-public details of the deal, all of which shed favorable light on the work of the city’s delegation, the *Call* condemned the school board

²⁹³ Ibid.

²⁹⁴ *San Francisco Examiner*, 9, 14 March 1907.

²⁹⁵ *San Francisco Bulletin*, 15 March 1907.

²⁹⁶ *San Francisco Call*, 16 March 1907.

²⁹⁷ See appendix for official wording of the agreements.

²⁹⁸ TR officially dropped the suits on March 13. Roosevelt to Bonaparte, 13 March 1907, Charles Bonaparte Papers, Library of Congress.

and Mayor Schmitz. In a reversal of its previous article, the *Call* claimed: “Board Makes Formal Surrender in Private.” The reporter continued:

With the swish of the big stick still sounding in their ears, [the mayor and the school board] met yesterday and calmly resolved that the schools of the city be thrown open to Japanese pupils. It was the same body of men which, but a few weeks before, had departed for Washington determined, so they said, that the rights of California and San Francisco should be upheld.²⁹⁹

The *Chronicle*, however, supported the agreement, without specifically supporting the mayor or the delegation. The paper was convinced that the agreement had solved the immigration crisis. On March 13, the *Chronicle* concluded, “Finally, as a result of the School Imbroglia, the cause of exclusion has been put forward to a point which its most ardent advocates could not have dreamed of reaching in so short a time.”³⁰⁰

Various newspapers and journals defending the actions of the mayor and the school board echoed the *Chronicle*'s summary. The *Evening Post* was the most vocal, being tightly aligned with the Union Labor men. The *Post* pointed out that the fine print of the changes to the school law made it exceedingly difficult for Japanese students to enter the schools, pointing out that many had been turned away due to inadequate English skills.³⁰¹ The *Post* also urged the citizens of the city to rise above the “dissensions [which] are caused by the knaves who skulk behind the scarlet sheets called ‘newspapers’ in this city.”³⁰²

²⁹⁹ *San Francisco Call*, 16 March 1907.

³⁰⁰ *San Francisco Chronicle*, 13 March 1907.

³⁰¹ *San Francisco Evening Post*, 14 March 1907.

³⁰² *Ibid.*, 11 March 1907.

In defense of Schmitz, *Organized Labor* printed a long editorial on March 16. The journal attacked the mainstream press and Schmitz's prosecution, blaming them for the mayor's cool reception. Instead, *Organized Labor* charged:

Foul means...are calculated to accomplish the downfall of the Schmitz administration and the destruction of the local trade union movement.

It was therefore to be expected that the *Examiner*, *Chronicle*, *Call* and the *Bulletin*, would do all in their power to befoe the issues involved in the Japanese exclusion problem and the school segregation question.

If some of the political satellites of the newspapers had gone to Washington and accomplished what the Mayor and school board did, there would have been an extra order at the type foundry for letters bigger and blacker than those of ordinary make to be used in shouting forth the victory from the pinnacle of the tall buildings.

There would have been a noisy, yellow journalistic, spectacular reception to the returning heroes, but because Schmitz did it, the victory must be characterized as defeat.

That the eastern press proclaims victory for California on the Japanese question, and that the President, his cabinet, the United States senators and congressmen freely admit that the Labor Mayor of San Francisco won the victory, makes but little difference to the San Francisco papers.³⁰³

In an editorial entitled, "Give Him His Due," the *Sacramento Union* on March 15 urged Californians to give Mayor Schmitz credit for having the "courage" to do what was necessary to halt Japanese laborers from inundating the state.³⁰⁴ The *Sacramento Evening Bee* fully supported the mayor's efforts, and denounced the president's promises, recalling TR's December message to Congress. With the title, "The President's Change of Face," and subtitle, "The President Has Had His Full Share of Crow" a March 23 editorial claimed: "It is only three months ago that Mr. Roosevelt characterized San Francisco as 'wickedly absurd' in its attitude toward the Japanese, and threatening us with the terrors of military coercion..." Since the speech, said the editorial, the president

³⁰³ *Organized Labor*, 16 March 1907.

³⁰⁴ *Sacramento Union*, 15 March 1907.

traded exclusion legislation with the San Franciscans, as he backed off from his effusive rhetoric.³⁰⁵

The *Oakland Tribune* also defended Schmitz. A March 17 editorial pointed out that Schmitz' action had been endorsed by the Japanese and Korean Exclusion League (despite Tveitmoe's earlier protests), the San Francisco Trades Council, by most of San Francisco, and by Samuel Gompers of the American Federation of Labor. The editorial stated:

Before Schmitz came on to Washington, the President alluded to him contemptuously as a "bassoon player," but when it came down to brass tacks, to use Rooseveltian vernacular, the man with the big stick discovered that Schmitz could neither be bullied nor bamboozled. Instead of the President forcing the Japanese back into the schools, Schmitz forced the issue of excluding Japanese immigration. He put the President squarely behind the policy of exclusion and got him committed to bringing it about speedily, either by treaty provision or by direct Congressional action. Furthermore, Roosevelt backed squarely down from the position he assumed so belligerently in his message (of December, 1906.)

The newspapers here continue to assert that Schmitz sacrificed the rights of California in his stipulations with the President. He sacrificed nothing. The text of the agreement shows that instead of giving in to the President on this point, the President gave in to Schmitz.³⁰⁶

Meanwhile, as the president reflected on the negotiations and the settlement, he remarked to Root: "Schmitz is a game man and acted like a trump."³⁰⁷ The Roosevelt administration, now unshackled by the segregation incident, focused more purposefully on its far eastern foreign policy objectives. However, the government abandoned all

³⁰⁵ *Sacramento Evening Bee*, 23 March 1907.

³⁰⁶ *Ibid.*, 17 March 1907.

³⁰⁷ Roosevelt to Root, 12 March 1907, Roosevelt Papers. *The Oxford English Dictionary* defines "trump," as the word was used in 1904, as "A term of hearty commendation; a person of surpassing excellence; a first-rate person."

former intentions for Japanese naturalization, to the detriment to the tens of thousands of Japanese aliens in the United States.

IV: Aftermath and Conclusion

Aftermath: 1907-1924

The California legislature, encouraged by the success of the exclusion movement, prepared to pass a series of anti-Japanese legislation in March 1907. President Roosevelt, realized this could spoil the fragile agreement with the Japanese, and thus sent several messages to California Governor James N. Gillette asking him to suspend all anti-Japanese bills in the legislature. The assembly voted to postpone action, averting another potential crisis.

Nonetheless, this foreshadowed events to come. According to historian Charles Neu, the Gentleman's Agreement hindered negotiations between the two countries for the following 20 years, since the pact produced "a residue of bitter feeling left in Japan over the treatment of Japanese citizens in California."³⁰⁸ Although Roosevelt and Root believed the Gentleman's Agreement had solved many of the misunderstandings between the U.S. and Japan, Neu concludes, "[they] did not understand how complex the task of stopping [immigration] would be. Nor did they foresee how even a trickle of immigration would feed the growing anti-Japanese movement in California."³⁰⁹ The hatred growing on the west coast, accompanied by boycotts and violence, fed into anti-American feelings in Japan. By June 1907, the *New York Times* reported, "popular

³⁰⁸Charles E. Neu, *An Uncertain Friendship: Theodore Roosevelt and Japan, 1906-1909* (Cambridge, Massachusetts: Harvard University Press, 1967), 87.

³⁰⁹Neu, *Uncertain Friendship*, 77-78.

indignation has reached a degree never before witnessed.” Consequently, new war scares unfolded.³¹⁰

Both sides began to prepare for the possibility of war in 1907. U.S. military planners readied War Plan ORANGE, and Congress appropriated millions for defense, accelerating the naval build-up that TR had encouraged early in his tenure. In the spring of 1907, the president decided to send the U.S. Fleet on its around-the-world cruise that eventually entered Tokyo’s harbor in October 1908.³¹¹ Flag-waving Japanese citizens greeted the friendly voyage, but contemporary observers realized that TR was sending a global message that American had joined the ranks of “world powers.” When the countries signed the Root-Takahira agreement in 1908, both committed to a wary friendship that averted the escalating tensions between the two countries over Japan’s plans for hegemony on the Asian mainland.³¹²

From 1908 until the 1920s, Japanese immigration slowly increased after loopholes in the agreement allowed different categories, such as picture brides and farmers, into the country. However, following an outbreak of nativist suspicions in 1921, Congress adopted a temporary quota system for Japanese immigrants that recognized the Gentlemen’s Agreement.³¹³ By 1924, nativist groups regarded Japanese immigration as a menace to the national moral fiber, and Congress added an exclusion provision to the

³¹⁰ *New York Times*, 10 June 1907, quoted in Neu, 80-81.

³¹¹ Neu, *Uncertain Friendship*, 105-106; LaFeber, 89. ORANGE was the military’s code word for Japan.

³¹² LaFeber, 91.

³¹³ Neu, *Troubled Encounter*, 122-123.

National Origins Act.³¹⁴ Due to this provision, Japanese immigration came to a complete halt, increasing anti-American feelings in Japan.

Just as March 1907 established a new course for Japanese immigration, it also marked the end of the Union Labor leadership in San Francisco. The Ruef-Schmitz trials continued in March, and Abe Ruef soon confessed to graft. In May, he was sentenced to San Quentin, where he served seven years until Fremont Older took pity on him, and campaigned to have Ruef's sentence dismissed.³¹⁵ Schmitz was convicted of extortion and stripped of his authority on June 13, but the District Court of Appeals reversed the criminal verdict in January 1908.³¹⁶ Schmitz ran for mayor again in 1915, all the while denying his guilt.³¹⁷ He lost the election, but in 1917 he ran for supervisor and was reelected every year until his death in 1926.³¹⁸

As for the reformers, the business establishment in the immediate years after the trials shunned both Rudolf Spreckels and Fremont Older as the prosecution began to charge business leaders with corruption. In a letter to Spreckels, TR repeated his support of the reformers:

Now and then you, Mr. Langdon and Mr. Heney and the others who are associated with you must feel downhearted when you see men guilty of atrocious crimes who from some cause or other succeed in escaping punishment, and especially when you see men of wealth, of high business, and in a sense of high social, standing, banded together against you. My dear sir, I want you to feel that

³¹⁴ Neu, *Troubled Encounter*, 123.

³¹⁵ Fradkin, 334-338.

³¹⁶ Fradkin, 336; Bean, 268.

³¹⁷ Bean, 316. Schmitz Campaign Club, "Facts the people of San Francisco should know about Eugene E. Schmitz" (San Francisco: Telegraph Press, 1915.)

³¹⁸ Fradkin, 336; Bean, 316.

your experience is simply the experience of all of us who are engaged in this fight.³¹⁹

The lead prosecutor, Francis J. Heney, did not see the graft trials to a conclusion. An ex-juror, embarrassed when Heney rudely removed him from the trial, shot him in the head.³²⁰ Heney recovered from the attack, but his later career became a “series of disappointments,” according to Walton Bean.³²¹ In 1908, when the graft trials neared an end, Roosevelt wrote Heney, congratulating him on his prosecutorial efforts: “Thank Heaven, you have convicted Ruef. Now I hope the others will be convicted in due time, from the businessman straight thru to the corrupt official.”³²²

James D. Phelan and Hiram Johnson, who took over the prosecution after Heney was shot, both experienced political success after the trials. Phelan was elected to the U.S. Senate in 1914, and Johnson went on to become one of the great politicians in California State history, serving as governor for two terms, and as U.S. Senator for 28 years.³²³ In 1913, an anti-Japanese movement gained enormous momentum amid fears that Japanese farmers out-produced white farmers and would soon take over both the commerce and the population of the state. Governor Johnson and Senator Phelan pushed for a state law (the Alien Land Act) that forbade alien ownership of land in the state.³²⁴ The law succeeded in what had always been one of the goals of exclusionists: It

³¹⁹ TR to Rudolph Spreckels, 8 June 1908, Roosevelt Papers.

³²⁰ Bean, 282-284.

³²¹ *Ibid.*, 305.

³²² TR to Heney, 11 December 1908, Roosevelt Papers.

³²³ Rolle, 422, 450. As Senator, Phelan helped to enable approval of San Francisco's Hetch Hetchy dam and water project. Simpson, 162-181.

³²⁴ Rolle, 352; Starr, 223; Phelan predicted that, without legislation, the state would soon become a “Japanese plantation.” Neu, *Uncertain Friendship*, 80.

transformed successful Japanese-Americans into second-class citizens, without the same legal rights as white Americans. Tragically, Japanese-Americans endured this brand of treatment until after the end of World War II.

**CONCLUSION: DOMESTIC PRESSURES FORCE U.S. FOREIGN POLICY TO
TAKE A DISCRIMINATORY AND DANGEROUS COURSE**

The Japanese school segregation incident and the ensuing Gentlemen's Agreement are not unfamiliar events. Both are often mentioned in discussions of Japanese immigration and foreign relations. However, as this study reveals, two aspects of the events have been misrepresented. One has often been improperly analyzed and the other virtually ignored.

The first aspect deals with Mayor Schmitz's efforts to negotiate with the president. San Francisco's constitutional right to segregate its schools neutralized Theodore Roosevelt's persuasive abilities. TR's personality played almost no part in winning concessions from the San Francisco delegation. Part of the reason for TR's failure is that he miscalculated the effects of his December 1906 Message to Congress, especially on the west coast. The intent of the speech was to garner sympathy for the treatment of the Japanese in California. Instead, he rallied support in California for the cause of exclusion. This occurred when the president, (1) called for naturalization of Japanese residents, and (2) Suggested that he might use government troops to quell any violence done to resident aliens. Through these assertions, especially his threats use the federal army in a state matter, TR lost public support. States' rights advocates, in

particular, voiced ardent protests against an administration they viewed as determined to centralize power.

Therefore, Mayor Schmitz and the school board held the advantage in the White House. This, accompanied by the war scares that surrounded the meetings and the fact that the Japanese would not budge without a removal of the segregation order, left most of the negotiating clout with the mayor. Over the next week, the mayor gave up little, while the president promised almost total exclusion through a combination of the immigration bill amendment and the Gentlemen's Agreement. Historiographically, the account is often recounted in an opposite manner, with the big stick "bludgeoning" the mayor and the board.³²⁵

³²⁵ The first scholarly account of the incident was Raymond Leslie Buell's article, "The Development of the Anti-Japanese Agitation in the United States," (*Political Science Quarterly*, XXXVII (December, 1922), 605-38. Buell claims that "Schmitz and the School Board capitulated, despite the intransigence of the labor leaders in San Francisco." (631) In the original, seminal work on the subject, Thomas A. Bailey, in *Theodore Roosevelt and the Japanese-American Crises: An Account of the International Complications Arising from the Race Problem on the Pacific Coast* (Stanford University, California: Stanford University Press, 1934), 143, asserts that "the delegation...[was] reluctantly brought around to [TR's] point of view." Bailey entitled his chapter on the negotiations "Bludgeoning the Board of Education." Raymond Esthus did not, however, view the negotiations as one-sided, *Theodore Roosevelt and Japan* (Seattle: University of Washington Press, 1966), 160-161. Esthus saw the week as "touch-and-go during several days of conferences," after which TR and Schmitz engaged in a equal trade: "In return for assurances the coolie immigration would be stopped...the school authorities agreed to rescind their order." Charles Neu presented the best narrative of the week of negotiations, *An Uncertain Friendship. Theodore Roosevelt and Japan, 1906-1909* (Cambridge, Massachusetts: Harvard University Press, 1967), 67-68. Neu concludes that the school board only agreed after TR and Root offered the new amendment, at which time "the San Franciscans...accepted the amendment and quickly came to a final, written agreement."

Despite Esthus' and Neu's recent conclusions that the San Franciscans were not "bludgeoned," textbooks and surveys have generally presented the agreement as a capitulation, as did Buell and Bailey. Walter LaFeber, in *The Clash: A History of U.S.-*

Secondly, this formulaic portrayal of Schmitz and the negotiations stems from the sensational and erroneous reporting of the San Francisco mainstream press. Even though the opposition press, along with newspapers outside San Francisco, pointed out the deficiencies of the mainstream newspapers, their views seem to have been largely ignored. However, it is only after delving into the motives of the mainstream press and their alliance with the city's reformers does it become clear that the mayor was misrepresented by the "news of record" as he parleyed with President Roosevelt. Even the *San Francisco Chronicle*, which often presented the negotiations in a fair manner, often seemed to be swept up in the competition to produce more sensational headlines pronouncing Schmitz's "surrender."

Moreover, the premature proclamations that Schmitz had given up in the first days of negotiations bolstered the mayor's efforts. Desperate to return home with substantial results, Schmitz forced the hand of a president who perceived that there was much to lose in the absence of a quickly settled agreement. These domestic determinants, therefore, steered the direction of American foreign policy with Japan for years to come.

Japan Relations (New York: W.W. Norton & Co., 1997), 89, states: TR and Root "summoned San Francisco school officials to the White House, where Roosevelt dictated a deal: the segregation order was to be rescinded in return for the Japanese promise (the so-called Gentlemen's Agreement of 1907) to allow only non-labor [immigrants] to leave for the United States." (LaFeber does not cite sources for this assertion.) Edmund Morris, in *Theodore Rex*, New York: Random House, 2001), 484, concludes: "Cowed by the President...and outclassed by Root, [Schmitz] agreed to readmit Japanese children." Textbooks also fall into the "big stick" trap. *The American Pageant: A History of the Republic*, Thomas A. Bailey, Lizabeth Cohen, David M. Kennedy, eds. 11th ed. (New York: Houghton Mifflin Company, 1998), 679, follows the lead of Bailey's earlier work, claiming that "TR finally broke the deadlock, but not until he had brandished his big stick and bared his big teeth. The Californians were induced to repeal what came to be known as the 'Gentlemen's Agreement.'"

This study, therefore, offers a “revisionist” view of the events that led to the Gentlemen’s Agreement of 1907. Philip Fradkin offers a similar, albeit tangential perspective in his book, *The Great Earthquake and Firestorms of 1906*, arguing that the Schmitz-Ruef trials were, in large part, an effort to unseat the ruling party in San Francisco in favor of the progressive, pro-business factions of the city. This study does not seek to make such claims, nor does it seek to defend the crimes that Schmitz almost unquestionably committed along with his cohort, “Boss” Abe Ruef. However, the points that Fradkin raises regarding the prosecution’s alliance with the mainstream newspapers correlate with the revisionist arguments of this study concerning the press’s attack on Mayor Schmitz and the affect it had on the mayor’s resolve as he negotiated with President Roosevelt. Finally, in a last twist of irony, the forces that assailed Schmitz, augmenting his resolve against the president, happened to be the progressive allies of TR.

More important than revisionist arguments, however, the evolution of Japanese exclusion and the discrimination these immigrants experienced rests at the center of these controversies. Whether or not the mayor “won,” the fact is that the February 1907 negotiations set the United States and Japan on a dangerous path. Two countries that had once regarded each other with respect now viewed the other with distrust, and these misgivings would only deepen with each new exclusion treaty and war scare. Even Theodore Roosevelt, who had once sought a relationship of equity and respect, reflected in 1909:

The events of the last three years have forced me to the clear understanding that our people will not permit the Japanese to come in large numbers; will not accept them as citizens; will not tolerate their presence as large bodies of permanent settlers...To permit the Japanese to come in large numbers

would be to cause a race problem and invite and insure a race contest. It is necessary to keep them out. But it is almost equally necessary that we should both show all possible courtesy and consideration in carrying out this necessarily disagreeable policy of exclusion, and that we should be thoroly [sic] armed, so as to prevent the Japanese from feeling safe in attacking us...

...I do not believe that there will be war, but there is always the chance that war will come, and if it did come, the calamity would be very great, and while I believe we would win, there is...a chance of disaster.³²⁶

³²⁶ TR to Philander Chase Knox, 8 February 1909, Roosevelt Papers. Knox became President Taft's Secretary of State one month after this letter was written.

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APPENDIX

APPENDIX A

1894 Japanese-American Treaty

Article 1: "...The citizens or subjects of each contracting party shall enjoy in the territories of the other the same privileges, liberties and rights, and shall be subject to no higher imposts or charges in these respects, than native citizens or subjects, or citizens or subjects of the most favored nation."¹

¹ Amos Hershey, "The Japanese School Question and the Treaty-Making Power." *American Political Science Review*, I (May, 1907), 396-398.

APPENDIX B**School Law of California, Art. X, Section 1662 (1903)**

"The trustees shall have the power to exclude all children of filthy or vicious habits, or children suffering- from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Mongolian or Chinese descent; when separate schools are established, Indian, Chinese, or Mongolian children must not be admitted into any other school."²

² *School Law of California* (Sacramento, 1902).

APPENDIX C

Theodore Roosevelt: Message to Congress (excerpt), December 3, 1906

I am prompted to say this by the attitude of hostility here and there assumed toward the Japanese in this country. This hostility is sporadic and is limited to a very few places. Nevertheless, it is most discreditable to us as a people, and it may be fraught with the gravest consequences to the nation. The friendship between the United States and Japan has been continuous since the time, over half a century ago, when Commodore Perry, by his expedition to Japan, first opened the islands to western civilization. Since then the growth of Japan has been literally astounding. There is not only nothing to parallel it, but nothing to approach it in the history of civilized mankind. Japan has a glorious and ancient past. Her civilization is older than that of the nations of northern Europe—the nations from whom the people of the United States have chiefly sprung. But fifty years ago Japan's development was still that of the Middle Ages. During that fifty years the progress of the country in every walk in life has been a marvel to mankind, and she now stands as one of the greatest of civilized nations; great in the arts of war and in the arts of peace; great in military, in industrial, in artistic development and achievement. Japanese soldiers and sailors have shown themselves equal in combat to any of whom history makes note. She has produced great generals and mighty admirals; her fighting men, afloat and ashore, show all the heroic courage, the unquestioning, unfaltering loyalty, the splendid indifference to hardship and death, which marked the Loyal Ronins; and they show also that they possess the highest ideal of patriotism. Japanese artists of every kind see their products eagerly sought for in all lands. The industrial and commercial development of Japan has been phenomenal; greater than that of any other country during the same period. At the same time the advance in science and philosophy is no less marked. The admirable management of the Japanese Red Cross during the late war, the efficiency and humanity of the Japanese officials, nurses, and doctors, won the respectful admiration of all acquainted with the facts. Through the Red Cross the Japanese people sent over \$100,000 to the sufferers of San Francisco, and the gift was accepted with gratitude by our people. The courtesy of the Japanese, nationally and individually, has become proverbial. To no other country has there been such an increasing number of visitors from this land as to Japan. In return, Japanese have come here in great numbers. They are welcome, socially and intellectually, in all our colleges and institutions of higher learning, in all our professional and social bodies. The Japanese have won in a single generation the right to stand abreast of the foremost and most enlightened peoples of Europe and America; they have won on their own merits and by their own exertions the right to treatment on a basis of full and frank equality. The overwhelming mass of our people cherish a lively regard and respect for the people of Japan, and in almost every quarter of the Union the stranger from Japan is treated as he deserves; that is, he is treated as the stranger from any part of civilized Europe is and deserves to be treated. But here and there a most unworthy feeling has manifested itself toward the Japanese—the feeling that has been shown in shutting them out from the

common schools in San Francisco, and in mutterings against them in one or two other places, because of their efficiency as workers. To shut them out from the public schools is a wicked absurdity, when there are no first—class colleges in the land, including the universities and colleges of California, which do not gladly welcome Japanese students and on which Japanese students do not reflect credit. We have as much to learn from Japan as Japan has to learn from us; and no nation is fit to teach unless it is also willing to learn. Throughout Japan Americans are well treated, and any failure on the part of Americans at home to treat the Japanese with a like courtesy and consideration is by just so much a confession of inferiority in our civilization.

Our nation fronts on the Pacific, just as it fronts on the Atlantic. We hope to play a constantly growing part in the great ocean of the Orient. We wish, as we ought to wish, for a great commercial development in our dealings with Asia; and it is out of the question that we should permanently have such development unless we freely and gladly extend to other nations the same measure of justice and good treatment which we expect to receive in return. It is only a very small body of our citizens that act badly. Where the Federal Government has power it will deal summarily with any such. Where the several States have power I earnestly ask that they also deal wisely and promptly with such conduct, or else this small body of wrongdoers may bring shame upon the great mass of their innocent and right—thinking fellows—that is, upon our nation as a whole. Good manners should be an international no less than an individual attribute. I ask fair treatment for the Japanese as I would ask fair treatment for Germans or Englishmen, Frenchmen, Russians, or Italians. I ask it as due to humanity and civilization. I ask it as due to ourselves because we must act uprightly toward all men.

I recommend to the Congress that an act be past specifically providing for the naturalization of Japanese who come here intending to become American citizens. One of the great embarrassments attending the performance of our international obligations is the fact that the Statutes of the United States are entirely inadequate. They fail to give to the National Government sufficiently ample power, through United States courts and by the use of the Army and Navy, to protect aliens in the rights secured to them under solemn treaties which are the law of the land. I therefore earnestly recommend that the criminal and civil statutes of the United States be so amended and added to as to enable the President, acting for the United States Government, which is responsible in our international relations, to enforce the rights of aliens under treaties. Even as the law now is something can be done by the Federal Government toward this end, and in the matter now before me affecting the Japanese everything that it is in my power to do will be done, and all of the forces, military and civil, of the United States which I may lawfully employ will be so employed. There should, however, be no particle of doubt as to the power of the National Government completely to perform and enforce its own obligations to other nations. The mob of a single city may at any time perform acts of lawless violence against some class of foreigners which would plunge us into war. That city by itself would be powerless to make defense against the foreign power thus assaulted, and if independent of this Government it would never venture to perform or permit the performance of the acts complained of. The entire power and the whole duty to protect the offending city or the offending community lies in the hands of the United States

Government. It is unthinkable that we should continue a policy under which a given locality may be allowed to commit a crime against a friendly nation, and the United States Government limited, not to preventing the commission of the crime, but, in the last resort, to defending the people who have committed it against the consequences of their own wrongdoing.”³

³ The American Presidency Project, “Sixth Annual Message, 3 December 1906,” [page on-line]; available from <http://www.presidency.ucsb.edu>; Internet; accessed 1 March 2007.

APPENDIX D**President's Special Message to Congress Introducing Metcalf Report:
December 18, 1906**

To the Senate and House of Representatives:

I inclose herewith for your information the final report made to me personally by Secretary Metcalf on the situation affecting the Japanese in San Francisco. The report deals with three matters of controversy – first, the exclusion of the Japanese children from the San Francisco schools; second, the boycotting of Japanese restaurants, and, third, acts of violence committed against the Japanese.

As to the first matter, I call your especial attention to the very small number of Japanese children who attend school, to the testimony as to the brightness, cleanliness, and good behavior of these Japanese children in the schools, and to the fact that, owing to their being scattered throughout the city, the requirement for them all to go to one special school is impossible of fulfillment and means that they can not have school facilities. Let me point out further that there would be no objection whatever to excluding from the schools any Japanese on the score of age. It is obviously not desirable that young men should go to school with children. The only point is the exclusion of the children themselves. The number of Japanese children attending the public schools in San Francisco was very small, The Government has already directed that suit be brought to test the constitutionality of the act in question; but my very earnest hope is that such suit will not be necessary, and that as a matter of comity the citizens of San Francisco will refuse to deprive these young Japanese children of education and will permit them to go to the schools.

The question as to the violence against the Japanese is most admirably put by Secretary Metcalf, and I have nothing to add to his statement. I am entirely confident that, as Secretary Metcalf says, the overwhelming sentiment of the State of California is for law and order and for the protection of the Japanese in their persons and property. Both the chief of police and the acting mayor of San Francisco assured Secretary Metcalf that everything possible would be done to protect the Japanese in the city, I authorized and directed Secretary Metcalf to state that if there was failure to protect persons and property, then the entire power of the Federal Government within the limits of the Constitution would be used promptly and vigorously to enforce the observance of our treaty, the supreme law of the land, which treaty guaranteed to Japanese residents everywhere in the Union full and perfect protection for their persons and property; and to this end everything in my power would be done, and all the forces of the United States, both civil and military, which I could lawfully employ, would be employed. I call especial attention to the concluding sentence of Secretary Metcalf's report of November 26, 1906. (Which was: "All considerations which may move a nation, every consideration of duty in the preservation of our treaty obligations, every consideration prompted by fifty years or more of close friendship with the Empire of Japan, could unite

in demanding, it seems to me, of the United States Government and all its people, the fullest protection and the highest consideration for the subjects of Japan.”⁴

⁴ *Message from the President of the United States, Transmitting the Final Report of Secretary Metcalf on the Situation Affecting the Japanese in the City of San Francisco, California.* 59th Cong., 2nd sess., December 1906. S. Doc. 147 (San Francisco: R. and E. Research Associates, 1971), 1-2.

APPENDIX E

December 23, 1906 speech by Mayor Schmitz at Walton's Pavilion, San Francisco. Meeting of the Japanese and Korean Exclusion League

Mr. Chairman, Ladies and Gentlemen: I only wish the Chief Executive of this fair nation, as well as all those who are closest to him and deepest in his confidence, and who now propose that we shall make citizens of the Japanese, could be here to note the mighty voice of the commonwealth raised in everlasting protest against the contemplated wrong.

You may have read the message which the President sent to Congress, the longest, by the way, ever transmitted from the White House to the House and the Senate. I am free to say that I did not read it all, but I read with pain and regret that part which indicated the President's willingness to elevate the Japs to a footing with ourselves, turn them into our schools and homes, and let loose the millions that await the word to come here, over there in unhappy Asia.

I read this with pain because I could scarcely believe that any President would write such a sentiment without having first given the subject his closest personal attention; with regret because I had supported him in the past and had expected better treatment of California from Mr. Roosevelt. I had expected more of him in defense of the people of this community. And I say to you now that we are going to send out of here a sentiment regarding this Japanese question that will be all but unanimous. Selfishness, if nothing else, will serve to make that sentiment unanimous, for it is not the toiler alone who has been attacked in this matter. The wage-earner is not alone in defending this attack from Washington – this invasion from the far East. If the wage-earners alone were concerned, you would not find the San Francisco press, the rich manufacturers, the money lenders, the bankers and the capitalists, the fruit growers and the big dealers taking the defense. Not a bit of it. It is because their very vitals are threatened by this affair that they are, of a sudden, standing with us. Therefore I say we will have a unanimous sentiment to exhibit to the people of the East and the people of the South. It is no because all of these interests have any use for the workingman, but because they are stung by the impulse of self-preservation. As against the villainous misdeeds of the trusts of the East, and the friendly help they get from Roosevelt, the capitalist out here will have to stand with us in order to save his own being! (Cheers)

The Japs are here in great numbers, and are here to grab whatever they can find in the way of comforts, advantages, etc. They are here as draughtsmen, carpenters, plumbers, fruit pickers and what not, and you will see them take charge of the stores if they are not soon checked. For twenty years we fought the Chinese question, and at last won by getting the exclusion laws upon our nation's law books.

As compared to the Chinese, the Jap is most undesirable. The word of a Chinese may be taken; the word of a Jap is worthless. Even the Japanese banks have to employ Chinese clerks in order to protect their funds. A Jap thinks about as much about breaking his word as he does about getting up in the morning.

Has it come to this – that the President of the United States recommends to his people here that they open their arms and embrace the vipers that would sting them to death? Is it possible that the chief executive of this nation has bitterly attacked his own people here because we would safeguard our homes and firesides that are sustained through the sweat and the brawn of the toiler? It does not seem at all possible, and yet such is the case.

Does President Roosevelt want us to sustain in our schools a people who pay not tax, who owe us no allegiance and who despise our flag? Does he wish to have us offer our daughters and sons in marriage to the immoral mongrels of Asia? Does he wish us to embrace the pagan as a brother and disrupt our fireside and our home ties? He says we have much to learn from the Japanese. Well, if he wants us to learn how to live on 25 cents a day, as does this malignant and corrupt Japanese, he will discover that we decline to accept the instruction – and we will meet him on any footing he desires to make good that point. (Storms of cheers.)

I say to you, workingmen and women here, you small dealer and you business man, that you had better far lay down your lives in defense of your children and your homes, than turn them over at some time in the future to the endless hordes of the yellow men from Asia. Rather perish in defense of our labor principles which sustain our government in her majesty today, than see our children driven from these shores by the yellow hordes. The Japs could send 1,000,000 men here to reside in no time at all if ever we consented to naturalize them and let them vote. And then, when they had the State in their control within five years, the East would sit up and take notice. No fear of that – they will never land here. (Cheers.)

We are the pioneers who must make this fight for the nation. We, as pioneers, had to make the fight against the Chinese single handed, and now the East thanks us for our thoughtfulness. The East did not then realize what a menace we were dealing with. We will make the fight together, on and all of us, and with the tenacity and manhood which characterized our fathers in 1849.

Roosevelt likened us unto a mob, engaged daily in assaulting the Japanese. Roosevelt utters a falsehood when he speaks thus. When the earth trembled on April 18th, and flames swept over our city, the people did not resolve themselves into mobs. They endured their misfortune and their sufferings in dignity, and with forbearance. If they were not given to mob conduct then, they are not a mere band of mobs now. It is for Roosevelt humbly to admit that he has wronged his own people in that denunciation, and to retract his false utterance.

No, we are not wild or unruly, nor given to mob violence. We are sober, staid, liberty-loving citizens of the United States, and we will remain as such unless we are wrought up beyond the point of human endurance, and made to fight for the lives and homes of our wives and children. Then and only then, will there be violence.

There are three classes dealing with the Japs. One class is made up of benevolent people who would like to welcome the poor unfortunate into their homes out of simple charity. Another class would like to use their cheap labor, and still another class would like to use the Jap as a cudgel with which to beat down the American workingman. It cannot be done. (Cheers.) From the day that the American Federation of Labor, through

President Gompers, went into politics, from that day union labor here and elsewhere has been a mark for the capitalists of the land.

I would not refer to my own case here, were it not for the fact that I am already discussing the fight that capital is making upon labor in this country. I feel that I must say to you that my case is but an example of the bitterness of this relentless war between the toiler and the man who would make of him an obedient slave.

I speak out here and now because I cannot get an honest expression through the press of this city. I am ready at all times to face my accusers, and to vindicate myself and the cause I stand for. Day after day I have been knocking at the doors of Justice, in order that may show my innocence, but I am met by a bottled-up judge who denies me even the right of a trial. Judge Frank H. Dunne of the Superior Court (gentlemen of the press please note) is a biased, prejudiced and unfair, and he knows it full well. He is the tool of the Citizens' Alliance, and is following orders as nay man can see who witnesses his perversions of justice. It is the right of every man, every American citizen, to receive a prompt and fair trial once he is accused, and this trial Judge has again and again refused me! (Great demonstration.)

I say to you now and here, and may the word go forth, that I am and have been all along eager and ready to face my accusers. I will prove my innocence, and I will prove the rottenness of their charges if they will but let me get at them in our courts. I ask no more than my due. (Demonstration and hisses for Dunne.) I am in this fight to remain to the last, and I say to my accusers, to the accusers of the labor movement, 'Lay on, Macduff, and damned be he who first shall cry enough!'

"I shall go on Wednesday morning next and again knock at the door of Justice. I shall again demand of Judge Dunne that I be given a trial – and I will be again refused. Watch and see if I am not. I am willing to go even before this biased judge and show that I am innocent, but they fear to give me the chance.

But in this matter of the Japanese you have the rotten press with you. Even the putrid press of San Francisco is sometimes with a good movement – especially when such movement threatens their own being. (Laughter and applause.) You have the small dealer, the sane thinker, the good citizen with you. You cannot fail to win. You must win. And with the South already with us and the North soon to be with us, Mr. Roosevelt is destined to learn that he has made a grave mistake. I thank you." (Tremendous demonstration.)⁵

⁵ *Labor Clarion*, 28 December 1906.

APPENDIX F**Japanese and Korean Exclusion League
February 10, 1907**

“Resolved, That in view of the unsatisfactory conditions of the immigration law recently enacted by Congress with reference to the exclusion of Japanese and Koreans, this league hereby asserts its determination to continue the agitation for the enactment of an act by Congress for the complete exclusion of Japanese and Koreans.”⁶

⁶ Minutes of Japanese and Korean Exclusion League, 3 February 1907, Labor Archives and Research Center, San Francisco State Library, San Francisco.

APPENDIX G**Proviso Recommended by Joint Committee of Congress, February 13, 1907**

“Provided, further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the canal zone are being used for the of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the canal zone.”⁷

⁷ Congress, Senate. S.B. No. 4403. 60th Cong., 3rd sess. *Congressional Record* 3039, (15 February 1907).

APPENDIX H**Federal Executive Order issued March 11, 1907:**

“Whereas, By the act entitled ‘An act to regulate the immigration of aliens into the United States,’ approved February 20, 1907, whenever the President is satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or any insular possession of the United States, or to the canal zone, are being used for the purpose of enabling the immigrants coming to the United States, it is recommended that such persons be refused admission to the United States or such insular possessions or the canal zone; and

“Whereas, Upon sufficient evidence produced before me by the Department of Commerce and Labor, I am satisfied that passports issued by the Government of Japan to the citizens of that country or Korea and who are laborers, skilled or unskilled, to go to Mexico, Canada and to Hawaii, are being used for the purpose of enabling the holders thereof to come to the continental territory of the United States to the detriment of labor therein.

“I hereby order that such citizens of Japan or Korea, to-wit: Japanese or Korean laborers, skilled and unskilled, who have received passports to go to Mexico, Canada or Hawaii and come there from, be refused admission to the continental territory of the United States.

It is further ordered that the Secretary of Commerce and Labor, and he is hereby directed to take through the Bureau of Immigration and Naturalization such measures and to make and enforce such rules and regulations as may be necessary to carry this order into effect.”⁸

⁸ *San Francisco Evening Post*, 10 March 1907.

APPENDIX I**Memorandum of Statement**

As Agreed to Between the President of the United States, the Secretary of State and the Mayor and Board of Education of the City of San Francisco

We find that the administration and Congress are entirely alive to the situation in California, and we feel they are anxious to meet the wishes of the Californians. They are also desirous of keeping on the best possible terms with Japan, and of doing nothing which can break the ancient friendship between that country and the United States. It has been explained to us with the greatest positiveness that the form of the action taken by the School Board of San Francisco in relation to the Japanese school children has been completely misunderstood and misconstrued as an attack upon the Japanese as such, and that this misunderstanding and misconstruction has been and now is one of the chief obstacles to the achievement of the purpose the people of California really have in view, this purpose being to secure by honorable and amicable arrangement, with Japan, the mutual exclusion from the two countries of the laborers, skilled and unskilled, of each country. This earnest desire of the people of California, and we may add in our belief of the people of the entire Pacific Coast, to check the coming hither of Japanese laborers, skilled and unskilled, and our entire willingness and desire that Japan should similarly put a stop to the going of American laborers, skilled and unskilled, to Japan, springs from no motive other than to bring about commercial and industrial conditions to the satisfactory understanding of the two friendly nations.

Events have convinced us, however, that many, and probably most, of the Japanese laborers who come hither are really brought over to this country in violation of the Contract Labor Law, and that the wellbeing of our wage workers imperatively demands that the immigration of Japanese laborers to this country, skilled and unskilled, shall cease. There are other countries, as well as Japan, to which we feel that in all probability there will have to be similar legislation, owing to the fact that we are convinced that the laborers who come here from these countries, also really come in violation of the Contract Labor Law. We have every reason to believe that the administration now shares and that Congress will share, our way of looking at this problem, and that the result we desire, the cessation of the immigration of Japanese laborers, skilled and unskilled, to this country will be speedily achieved. A striking proof of the attitude of the administration, their willingness to meet our desire, and yet at the same time to do it in a way which will be compatible with continuing on terms of genuine friendship with Japan, is shown by the passage in the immigration bill which will bar out Japanese coming hither by way of Hawaii, Mexico, Canada and the Canal Zone by enforcing the limitations which Japan voluntarily puts into the passports issued by her government. More than two-thirds of the Japanese laborers who come hither, come from Hawaii, Mexico and Canada, and in our judgment almost all so coming, really reach these shores in violation of the Contract Labor Law, although such fact would be well

nigh impossible to prove in a court of law. We are satisfied from our numerous interviews with the President that in the event that the amendment to the Immigrant Bill, introduced in both houses of Congress of the United States on the 13th day of February, 1907, shall prove ineffectual for the purposes herein mentioned and intended every effort will be made by him not only to obtain a treaty with Japan authorizing legislation by both Japan and the United States to exclude from each of their respective territories the immigration of all subjects of the other of said nations, who are laborers, skilled and unskilled, but in any event will favor such form of legislation that will in the most speedy manner accomplished the results desired. That the national government has no purpose whatever to attempt to infringe upon the rights of California as a sovereign State and that the purpose of the administration of the national government was merely to fulfill a bounden duty to a friendly nation with which it had a treaty, to ascertain as a matter of international comity and courtesy whether or not by the true construction of that treaty such right or rights had been accorded to the subjects of Japan. In view of our numerous interviews with the President and our understanding thereof, we feel that the question whether the right at issue was or was not given by treaty has been passed and has been absolutely eliminated from this controversy, and the proposition now involved is on of comity and public policy. Such being the case, we are fully in accord with the view of the administration to the effect that the attainment of the exclusion of all Japanese laborers, skilled and unskilled, should not now be complicated with or endangered by the exercise of the right of segregation by the School Board, authorized by Section No. 1662 of the Political Code of the State of California.

As a condition to the modification of the resolution adopted by the Board of Education of the City of San Francisco, October 11, 1906, we respectfully insist that the legal proceedings heretofore instituted be dismissed forthwith, and that it is expressly understood that we have not conceded, and do not now concede, or intend to concede, that our action was in violation of any of the stipulations of the treaty of the United States and Japan, but, on the contrary, we don claim and assert that if any stipulation in said treaty contained is inconsistent with or in conflict with the power and authority given by Section No. 1662 of the Political Code of the State of California, then so far as said treaty attempts to circumscribe or prevent the Board of Education from regulating its own school affairs, as an exercise of local police power, such provision in said treaty is nugatory and void.

Pursuant to the foregoing statement, is proposed by the Board of Education of the City and County of San Francisco to codify the order segregating the Japanese public school children of San Francisco, heretofore made by the resolution of said Board adopted on the 11th day of October, 1906, by amending said resolution to read in words and figures as follows, to wit:

“Section 1. Children of all alien races who speak the English language, in order to determine the proper grade in which they may be entitled to be enrolled, must first be examined as to their educational qualifications by the principal of the school where the application for enrollment shall have been made.

Section 2. That no child of alien birth over the ages of 9, 10, 11, 12, 13, 14, 15, 16 years shall be enrolled in any of the first, second, third, fourth, fifth, sixth, seventh or eighth grades, respectively.

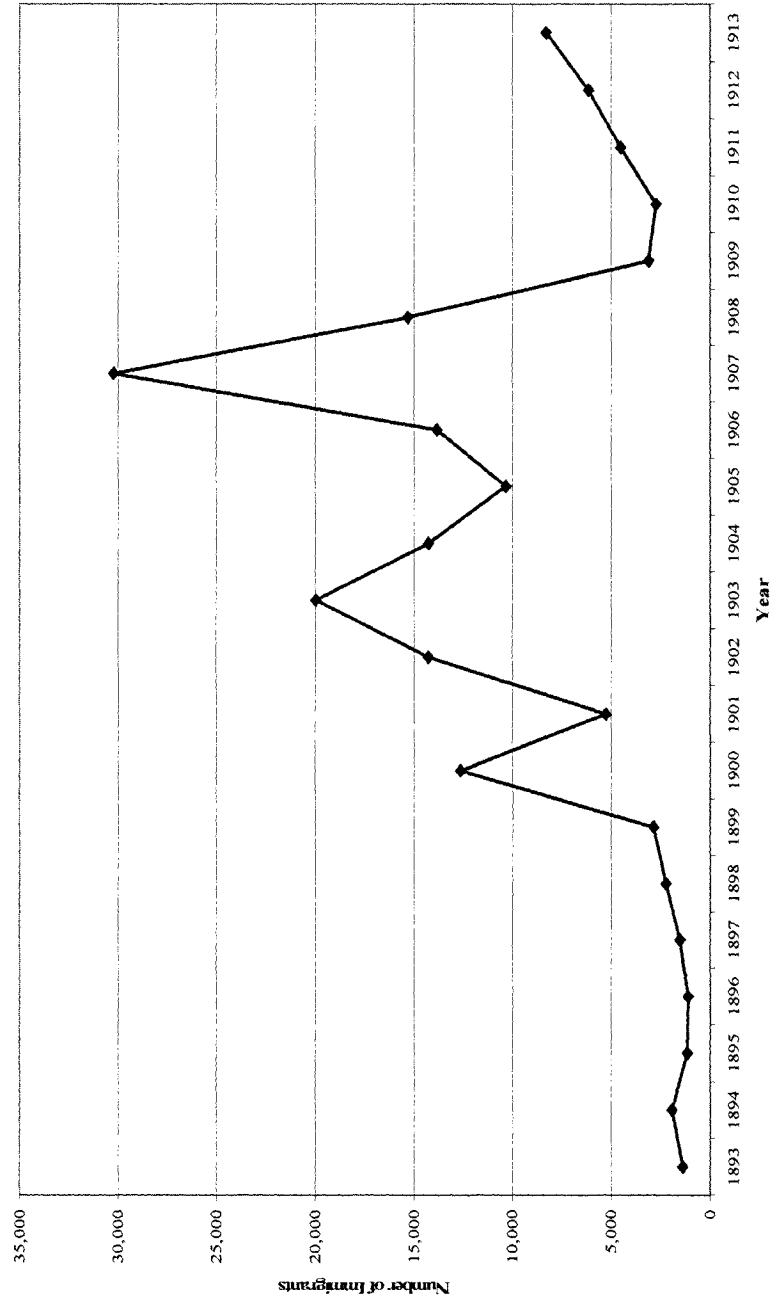
Section 3. If said alien children shall be found deficient in their ability to speak or deficient in the elements of the English language, or unable to attend the grades mentioned in Section 2 by reason of the restrictions mentioned therein, such children shall be enrolled in special schools or in special classes established exclusively for such children as and in manner the Board of Education shall deem proper and most expedient.

At a meeting of the entire California delegation of Senators and Representatives to the Congress of the United States, held on February 16, 1907, pursuant to a call therefore by Mayor E. E. Schmitz of San Francisco, the policy, action and agreement of the Board of Education of the City and County of San Francisco as hereinabove stated, was unanimously and enthusiastically endorsed and confirmed by them.”⁹

⁹ *San Francisco Evening Post*, 10 March 1907.

APPENDIX J

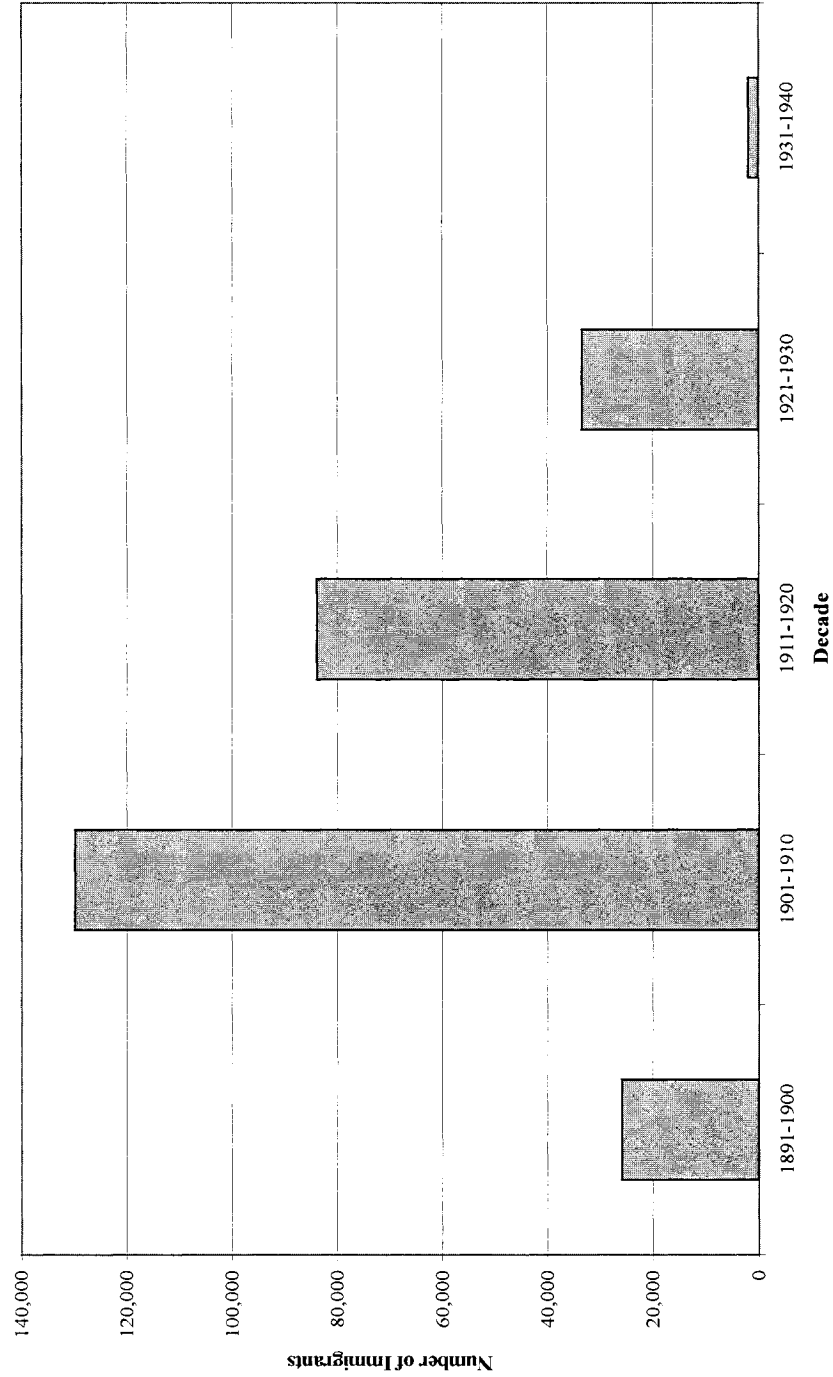
Annual Japanese Immigration to the United States, 1893-1913



Source: *Annual Report of the Commissioner General of Immigration for 1913*
 (Washington: Government Printing Office, 1913.)

APPENDIX K

Japanese Immigration to the United States by Decade, 1890-1930



Source: "Historical Census Browser," in Geostat Center: Collections [database on-line] (Charlottesville, VA: University of Virginia Library, accessed 8 March 2007), available from <http://fisher.lib.virginia.edu/collections/stats/histcensus/>; Internet.