

T1.51

California State Law on Rights of Citizens

RIGHTS OF CITIZENS IN PLACES OF PUBLIC ACCOMMODATION OR AMUSEMENT (Div. 1, Pt. 2, Sec. 51)

All citizens within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities and privileges of inns, restaurants, hotels, eating houses, places where ice cream or soft drinks of any kind are sold for consumption on the premises, barber shops, bath houses, theatres, skating rinks, public conveyances and all other places of public accommodation or amusement, subject only to the conditions and limitations established by law, and applicable alike to all citizens.

Sec 52: DENIAL OF ACCOMMODATIONS: DISCRIMINATION: LIABILITY IN DAMAGES.

Whoever denies to any citizen, except for reasons applicable alike to every race or color the full accommodations, advantages, facilities, and privileges enumerated into section fifty-one of this code or who aids, or incites, such denial, or whoever makes any discrimination, distinction or restriction on account of color or race, or except for good cause, applicable alike to citizens of every color or race whatsoever, in respect to the admission of any citizen to or his treatment in, any inn, hotel, restaurant, eating house, place where ice cream or soft drinks are sold for consumption on the premises, barber shop, bath house, theatre, skating rink, public conveyance, or other place of amusement or accommodation, whether such place is licensed or not, or whoever aids or incites such discrimination, distinction or restriction, for each and every such offense is liable in damages in an amount not less than one hundred dollars, which may be recovered in any action at law brought for that purpose.

Sec. 53: ADMITTANCE TO PLACES OF AMUSEMENT, ETC. ON PRESENTATION OF TICKET, OR PRICE OF TICKET: EXCEPTIONS.

It is unlawful for any corporation, person, or association, or the proprietor, lessee, or the agents of either, of any opera house, theatre, melodeon, museum, circus, caravan, race course fair, or other place of public amusement or entertainment, to refuse admittance to any person over the age of twenty-one years, who presents a ticket of admission acquired by purchase, or who tenders the price thereof for such ticket, and who demands admission to such place. Any person under the influence of liquor, or who is guilty of boisterous conduct, or any person of lewd or immoral character, may be excluded from any such place of amusement.

Sec. 54: VIOLATION OF RIGHT OF ADMISSION TO PLACES OF AMUSEMENT: DAMAGES.

Any person who is refused admission to any place of amusement contrary to the provisions of the last preceding section, is entitled to recover from the proprietor, lessee, or their agents, or from any such person, corporation, or association, or the directors thereof, his actual damages, and one hundred dollars in addition thereto.

OATH OF OFFICE Article XX, sec. 3, State Constitution of
California.

Members of the Legislature and all officers, executive and judicial, except such inferior officers as may by law be exempted, shall take . . the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of.....according to the best of my ability."

File T 1.51
Excerpts from the Senate Journal of April 16, 1945
containing portions of the report of
the Committee on

Un-American Activities

Having special reference to

Japanese Problems in California

Committee

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Published by the
SENATE
of the
STATE OF CALIFORNIA

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REPORT OF THE JOINT FACT-FINDING COMMITTEE ON UN-AMERICAN ACTIVITIES IN CALIFORNIA

INTRODUCTION

Mr. President, Mr. Speaker, and Members of the Legislature:

Your Joint Fact-Finding Committee Investigating Un-American Activities in California herewith submits its report on investigations conducted throughout the State during 1943 and 1944:

AUTHORIZATION

The Joint Fact-Finding Committee on Un-American Activities in California was created pursuant to Assembly Concurrent Resolution No. 59, filed with the Secretary of State May 12, 1943.

* * * * *

Pursuant to the provisions of the resolution, the Committee on Rules of the Senate appointed Senator Hugh M. Burns of Fresno County and Senator Jack B. Tenney of Los Angeles County, and the Speaker of the Assembly appointed Assemblymen Nelson S. Dilworth of Hemet, Dr. Jesse Randolph Kellems of Bel-Air, and Randal F. Dickey of Alameda, as members of the committee. In compliance with the provisions of the resolution the members of the committee, at its organizational meeting, elected Senator Jack B. Tenney as chairman.

* * * * *

JAPANESE PROBLEMS IN CALIFORNIA

Since submitting its report to the Legislature in 1943 the committee has continued its investigation of Japanese subversive activities as far as such activities were evident in the various relocation centers in California. On March 5, 1942, Lieutenant General John L. DeWitt issued an order for the evacuation of all persons of Japanese descent from the area of the Western Defense Command. Temporary Reception Centers were quickly erected under the supervision of Army engineers and, shortly thereafter, construction was commenced on the two relocation centers for California, Manzanar and Tulelake. On March 21, 1942,

the first contingent of evacuees, 61 men and 21 women, arrived at Manzanar. By midsummer of that year there were nearly 10,000 evacuees at Manzanar and 14,000 at Tulelake.

CALIFORNIA RELOCATION CENTERS

Manzanar is located near Independence in Inyo County. Tulelake is located in Modoc County near the Oregon State line. The physical appearance of the two relocation centers present much the same aspect. Each is sprawled over a flat, barren plain, partly surrounded by mountains. The summer winds constantly blow clouds of fine dust across these plains and during the winter months there is much rain and snow. The barracks are long, narrow, board and batten structures with black tar-paper roofs. Wooden partitions divide these barracks into small compartments, each of which is theoretically occupied by an evacuee family. The mess halls are replicas of the barracks without the partitions.

Each center maintains an agricultural project. A program of vocational training and adult education is provided in both camps. The State law for compulsory education of children of school age is enforced. Internal security and fire-fighting departments are organized and maintained. Each center has cooperative stores where evacuees may purchase a wide variety of general merchandise, none of which carries ration-point requirements.

Each administrative project and department is headed by a Caucasian supervisor. Virtually all of the work is done by the evacuees, on a voluntary basis. They are compensated for their labors at a monthly rate which has a maximum of \$19. The rate is considered entirely inadequate by the evacuees and, as a consequence, the work done is accomplished more by sheer weight of numbers than by individual endeavor. Labor strikes occur sporadically and there is a constant stream of labor complaints. Attempts at beautification of the camps have been made by the evacuees and a lovely landscaped Japanese garden was noted near a mess hall at Manzanar.

The agricultural project at Manzanar presented many difficulties. The first crew started work on April 15, 1942, grubbing out the rocks and sage-brush, and preparing the soil for planting. During the latter part of May of that year the crops were planted. When the first green shoots appeared they were promptly nibbled back level to the earth by rabbits, until the vegetable garden resembled, from a distance, an extensive and closely-clipped lawn. This annoyance was solved by the use of dogs that were trained to chase the rabbits away. Several hundred acres are now under cultivation. The crops raised at Manzanar during the past

season had a market value estimated at \$43,000. Surplus crops are shipped to other centers.

There are about 4,000 acres under cultivation at Tulelake. The season in Modoc County is comparatively short because of early frost and snow, but during the spring and summer months the crops are easily and abundantly produced. The total commercial value of the current crop is estimated at \$1,500,000. The surplus, like the surplus at Manzanar, is shipped to other centers. Hogs and chickens are also raised at Tulelake on an extensive scale.

Each center has a detachment of military police. Until a short time ago these men were charged with the duty of quelling serious disturbances, keeping the evacuees within the confines of the center, and, generally, in maintaining order. They are not permitted, however, within the boundaries of the centers. This force of military police is supplemented by the Department of Internal Security, or center police force, which is headed by a Caucasian with prior police experience, and a staff of evacuee enforcement officers. The center directors have exclusive jurisdiction over infractions of center rules and regulations and may impose reasonable and legal penalties for violations. Violators of State and Federal laws are turned over to the proper authorities.

National food rationing released a flood of rumors concerning the food served the Japanese in the relocation centers. It was frequently charged that the evacuees were receiving food of an exceptionally high quality and of high ration-point value. Investigation of these charges by representatives of the committee disclosed that the basic menus of all relocation centers were prepared by the Quartermaster's Corps of the United States Army and that each center was allowed a maximum expenditure of 45 cents per day for each evacuee. The average expenditure for the two centers in California runs around 37 cents per day per evacuee.

The committee representatives selected mess halls at random in each center and ate several meals with the evacuees. They found the food well cooked, nourishing and plentiful. The following sample menus are typical of the meals served at Manzanar and Tulelake:

MONDAY	TUESDAY	WEDNESDAY
Breakfast	Breakfast	Breakfast
Stewed dried fruit, Farina—hot milk, French toast, syrup, Cocoa, milk.	One-half grapefruit, Rolled oats—milk, Hot cakes—syrup, Cocoa—coffee—milk.	Stewed dried fruit, Dry cereal—milk, French toast—syrup, Coffee—tea—milk.

MONDAY	TUESDAY	WEDNESDAY
Lunch Baked macaroni and cheese, Steamed rice, Tsukemono, Boiled fresh vegetables, Head lettuce salad, One orange, Bread, Tea.	Lunch Boiled beef, Spanish Steamed rice, Tsukemono, Head lettuce salad, One fresh apple, Tea.	Lunch Boston baked beans, Boiled fresh vegetables, Steamed rice, Tsukemono, Head lettuce salad, One orange, Bread, Tea.
Dinner Fresh fried fish, Stewed corn, Steamed rice, Pickled fresh beets, Butterscotch dessert.	Dinner Beef Sukiyaki, Steamed rice, Tsukemono, Potato salad, Spice cake, Tea.	Dinner Fried fresh fish, Steamed rice, Tsukemono, Cole slaw salad, Fruit jello, Tea.

It will be noted that the relocation center diet consists mainly of rice, vegetables, fish, bread, oleomargarine (no butter), with such occasional Japanese dishes a Tsukemono (pickled vegetables) and Sukiyaki (a sort of Japanese chop suey).

Choice of food is a source of constant evacuee complaint and grievance. The American-born Japanese are accustomed to American food while most of the alien Japanese are accustomed to native dishes. It is manifestly impossible to please both groups, although, as will be seen from the sample menus, certain native dishes are prepared and served. The evacuees are permitted to buy additional food at the cooperative stores, but, as has been mentioned heretofore, they are not permitted to purchase anything which requires ration points.

Until about January 1, 1943, the administration of the centers was very lax. The evacuees were permitted to wander unattended practically at will, all over the adjacent countryside. This practice was bitterly resented by residents in the vicinity of the centers and this resentment toward the administration still exists to some extent. The laxity of early administration manifested itself in what appeared to be a pampering of the evacuees and an apathy toward their subversive activities. An example of this lax attitude was seen in the practice of permitting evacuees at Tulalake to use Government cars as free taxis within the area of the Center, and in the use of Government trucks to take groups of evacuees on picnics outside the Center. No attempt was made to separate the obviously subversive and disloyal from the obviously loyal. After January 1, 1943, the situation changed considerably and the Centers in California were administered with a firmer hand.

Optional courses in Americanism are offered as part of the adult educational program but they might as well be discontinued for they are very poorly attended. There are no compulsory Americanism courses. It was learned that the evacuees are not particularly encouraged to speak English. Many who spoke good English when they first

arrived at the centers now speak it poorly, because, since arriving, they have spoken mostly in their native tongue.

For a time, all out-going and in-coming mail was censored by the military police. This practice was discontinued, and in 1943 it was possible for express packages, letters and parcel-post packages to be sent into the relocation centers without inspection. Telephone conversations between the evacuees and persons outside the Centers were not censored at all. Manzanar appeared to be the lone exception in telephone censorship.

SHINTO-KODO-BUSHIDO

The Japanese terms, *Issei*, *Nisei* and *Kebei*, are defined and explained in the Committee's 1943 Report at page 322. Briefly re-stated, the *Issei* are alien Japanese, virtually all of whom are loyal to Japan and Hirohito. Fanatical in their belief in the *Shinto-Kodo-Bushido* dogmas, they keep pretty much to themselves in the relocation centers. The *Nisei* are second-generation, American-born sons and daughters of Japanese alien parents, and, therefore, citizens of the United States. The greater part of the *Nisei* have attended the public schools on the west coast, and the majority of them attended Japanese language schools. The *Kebei* are *Nisei* (second-generation, American born Japanese) who have been sent to Japan, allegedly for educational purposes. During their stay in Japan the *Kebei* were indoctrinated with the *Shinto-Kodo-Bushido* virus and, as a general rule, feel a deep loyalty to everything Japanese. The ideology of *Kadoism*, like the doctrine of race-superiority of the German Nazis, dominates the minds of the present generation of alien Japanese and the *Kebeis*. Until Pearl Harbor the *Issei*, holding the purse strings, exerted considerable influence over the *Nisei* and *Kebei* and kept them pretty much in "*Kodo*" ("*the way of the Emperor*").

Shintoism is Japan's most ancient religious faith. In its primitive form it exalted the deities of nature and fertility and emphasized the sacredness of the family. Animistic in character, *Shintoism* created a multitude of local gods and taught that they were embedded in the mountains, trees and stones. Worship of the Emperor, the sacredness of the family, and the exaltation of the military were closely identified with the ceremonies of *Shintoism* from its inception. The ancient rice culture of the people was closely interwoven in ancient *Shintoism*. Obedience to authority and devotion to the Emperor are sternly emphasized. The *Shinto* creed has been merged with the State since the "restoration" of the Emperor in 1868, and is now particularly characterized by its aggressive nationalism, its authoritarianism, and its militaristic faith.

It is taught and believed that the Japanese islands were begotten of the gods, that the Emperor of Japan is a direct descendant of the Goddess

of the Sun. It is believed that the present Japanese race, as the descendants of a single tribe of *Yamato*, are destined to inhabit these God-begotten islands forever. The rest of the world is to feel the benevolence of this divine *Yamato* race. Because the islands were literally begotten of the gods, the land is "holy," and will endure forever. A Japanese soldier who dies for the Emperor and his "holy" country, immediately becomes one with the gods, regardless of how badly he may have lived. The outside world can only be redeemed through Japanese intervention. The great *Shinto* virtues for the Japanese people are blind and undying loyalty and unquestioning obedience. All people, other than the Japanese, are considered corrupt and inferior.

Shintoism has become the State religion of Japan. Doctor Shunzo Sakamaki, assistant professor of history at the University of Hawaii, pointed out that the Japanese Imperial Government had issued an edict declaring that all *Shinto* priests in the United States and Hawaii, and all Japanese language school teachers were, from January of 1941, to be considered as officials of the Japanese Government. "Basically," said Doctor Sakamaki, "the reason is that the Japanese Government has seen in *Shinto* a political tool of the greatest potency for keeping the fires of nationalism burning at white heat and making the doctrine of political absolutism in Japan virtually inviolable."

General Araki, the leader of the Manchurian conquest, gave life and emphasis to Japanese Imperialism by popularizing *Kodo*, "the way of the Emperor," in the program of "Asia for Asiatics" and the "Greater East Asia Co-Prosperity Sphere." Thus, *Kodo*, as an extension of *Shintoism*, provides the justification of Japanese world conquest. "The way of the Emperor," since the first Emperor, Jimmu Tenno, who descended directly from the Goddess of the Sun, is the plan to carry out the "divine destiny" of the Japanese people in extending their "culture" to all of the people of the earth. This "benevolence" is first to be extended to the colored peoples of Asia by freeing them from the domination of the white races.

Bushido is the unwritten code of conduct of the *Samurai*. *Bushido* demands loyalty to superiors only, simplicity of living and military valor. Complete allegiance to superiors is demanded, while deceit and dishonor is to be honorably practiced against all others. Treachery and brutality against one's enemies, and self-sacrifice, blind loyalty and unquestioning obedience to one's superiors are the cardinal characteristics of the code of *Bushido*.

PROBLEM OF RELOCATION DURING THE WAR

It is generally believed that the Japanese are a stoical and phlegmatic people. Expert opinion, on the contrary, holds that they are a highly emotional and temperamental people. It is interesting to note in this

connection that the clinical records of the two relocation centers indicate that the most common evacuee ailment is peptic ulcers, caused by worry and fear. The loyal, or potentially loyal, *Nisei*, read accounts in the daily newspapers of the action of many and sundry organizations passing resolutions to the effect that no persons of Japanese descent, citizen or alien, will ever be tolerated again in California. Leaflets and pamphlets find their way into the centers and are read by the American-born Japanese. Many are firmly convinced that they will not be welcome or wanted in California and, for this reason, have been, and are, refusing to apply for relocation because of the fear of physical injury to themselves and their families no matter where they may go. The recent order of Dillon Myer for the closing of all relocation centers by December 31, 1945, was received with alarm by most Japanese evacuees. The committee has learned from authentic sources that delegations of Japanese have called on the center directors, requesting that some action be taken for the continuation and maintenance of the centers for the duration of the war with Japan. Japanese evacuee spokesmen base their request on several grounds. First, they fear physical injury if they are returned to their former communities while the war with Japan is in progress. Secondly, nearly all leases on evacuee property are for "the duration of the war with Japan," and, thirdly, the housing problem for some 60,000 to 80,000 Japanese in their former communities is fraught with insurmountable difficulty and hardship.

SUBVERSIVE ACTIVITIES

The Japanese very rarely entered into the life of the American community in which they resided. "Little Tokyos" invariably mushroomed into existence wherever a substantial Japanese population existed. More than 240 Japanese language schools were established and maintained in California alone.

The committee is convinced that it was not merely coincidental that the Japanese population settled along the West Coast near airfields, oil refineries, vital war plants and gun emplacements. The desirability of the land alone does not account for this deployment as, in many cases, more fertile and desirable farm land was available.

The Yokohama Specie Bank is sponsored by the Japanese Imperial Government. Before the war huge transfers of money through the Yokohama Specie Bank from the United States to Japan was a frequent occurrence. These "deposits" aggregated in excess of twenty millions of dollars. Testimony and evidence before the committee indicates that Japanese residents in California contributed many thousands of dollars to the Japanese war effort before Pearl Harbor.

Togo Tanaka testified quite openly and frankly concerning *Nisei* activities. (Com. Tr., Vol. X, pp. 2843-2889). His testimony, in part, is as follows (Com. Tr., Vol. X, pp. 2856-2858):

Q. By Mr. Combs: . . . Mr. Tanaka, as a matter of fact, the Japanese Consulate sponsored the dissemination of a great mass of material regarding the Japanese attitude—the Sino-Japanese war?

A. I don't believe so much the consulate but agencies set up by the consulate on the coast here.

Q. The *Nisei* were active at that time in aiding in the dissemination of that material, were they not?

A. Yes, they were—I should say, we were.

Q. Then, later on there were groups, were there not, Japanese organizations, for example, agricultural organizations and others through which funds were collected for the Japanese war effort generally?

A. I believe you were the one who gave me the first detailed information. While I have a note on Los Angeles I wanted to be able to more or less confirm it.

Q. Does your information confirm that?

A. Yes, it does.

Q. And that extended over a period of how long?

A. Well, I would say since the outbreak of the war in China—that would be in '37.

Q. And it continued how long?

A. Well, straight through, I believe, the early or the middle of 1940 when it seems the tension between the United States and Japan grew to the point where people began, I think, to realize rather dimly possibly war was in the offing—by the way, that was the time, too, when many of us began to realize some of our activities were misdirected. By the way, I may also point out while we seem to be emphasizing the subversive, and I can appreciate the purpose to investigate un-American activities—

Q. That is correct.

A.—on the other hand, we ought not to forget and to get a balanced picture, we ought to inject some of the very good American activities this publication and the organization has been engaging in.

Q. I am going to ask you in detail about that, Mr. Tanaka.

A. Fine.

Q. So that was true that funds were collected by Japanese organizations for the Japanese war efforts?

A. Yes, I believe they were.

Q. And those funds were transmitted through the Japanese diplomatic agencies in this country?

A. I am not, frankly, familiar with the exact means by which it was transmitted. I understand some was sent directly to Japan by the organizations and some by individuals but I presume most of the funds must have been sent through the diplomatic agents.

Q. Was there any reluctance on the part of the *Nisei* to admit the existence of subversive activities by any Japanese group in California?

A. Well, as a group I would say yes; but individually, of course, we always have our exceptions but collectively—I am merely repeating what persons who are not *Nisei* say from the standpoint of their own observation that they think the *Nisei* themselves—on that question I may not be qualified to answer as to the reluctance shown by the *Nisei*—but judged by some third party, we have a good number of persons who I think have been close to the situation and they said we have been too reluctant to admit some of the subversive activities that probably have been present in which *Nisei* have engaged. We have tried to gloss some of the things and point out the good American things we were doing without trying to correct or even acknowledge some of the things being done which were subversive and, frankly, I didn't believe some of the things we were doing would be judged as subversive simply because we couldn't predict the developments, the turn of events."

The committee offers no particular brief for the *Nisei* as a class. Evidence before the committee clearly reveals that many of the *Nisei* were engaged in subversive activities against the Government of the United States for many months prior to the attack on Pearl Harbor. The committee is equally aware that an American-born person of Japanese parentage is not necessarily subversive *per se*. The problem is essentially one of segregation and it presents many subtle difficulties.

When General De Witt's order for Japanese evacuation was announced many *Nisei*, who had established businesses and homes, were compelled to dispose of their property in a very short period of time, as best they could. They were to be housed in relocation centers in remote parts of the country for an indefinite period. Deep emotional reaction to the disruption of normal life was only natural and to be expected. Some of the *Nisei* became embittered and resentful while others remained realistic and resigned to a situation which they understood as necessary and unavoidable. The *Issei* and *Kebei* were openly defiant and recalcitrant. Most of them have now adopted an attitude of solemn brooding. The committee believes that if the War Relocation Authority had segregated these groups in the beginning much trouble and difficulty might have been avoided. Late in 1943 the War Relocation Authority, finally recognizing the problem, announced that it would segregate the loyal from the disloyal Japanese. This was ultimately accomplished by removing the disloyal Japanese to the Relocation Center at Tulelake. The War Relocation Authority test of loyalty and disloyalty in the segregation program is not available and has not been explained.

DEFIANCE AT TULELAKE

Questionnaires were prepared and distributed to the evacuees in all the relocation centers by the War Relocation Authority in the early spring of 1943. Question No. 28 inquired whether or not the evacuee was willing to renounce his allegiance to the Emperor of Japan. An epidemic of rioting immediately broke out at the Tulelake Center and continued for nearly six weeks. So few of the evacuees answered Question 28 in the affirmative that the War Relocation Authority reworded that particular inquiry, labeled it No. 28-A, and tried again. The question this time did not concern itself with allegiance to the Emperor of Japan, but merely inquired whether or not the evacuee would be willing to uphold the laws of the United States. Assemblyman Dickey, in charge of the Tulelake investigation, reported that he had been informed that although there were 6,000 to 7,000 evacuees who were American citizens by accident of birth and whose physical qualifications made them eligible for service in the armed forces of the United States, only two volunteered. It is rather significant to note that the *Bushido* code permits deceit and treachery as honorable conduct under such circumstances, and that disloyal and subversive Japanese would, therefore, unhesitatingly answer either or both questions in the affirmative.

The attitude of defiance on the part of the disloyal Japanese at Tulelake can only be explained on the basis of some real or imagined advantage for Japanese war strategy. Mr. Silverman, staff writer for the *San Francisco Chronicle*, was at the Tulelake Center investigating the disturbances which attended the signing of the questionnaires, and in the May 27, 1943, issue of that newspaper he reported, in part, as follows:

“ * * * Before the end of the trouble bands of hoodlums roamed up and down the camp's streets, breaking into homes and attacking the occupants. The Japanese * * * who were in cooperation with the administration were nearly killed, and two Christian Priests were badly beaten. A Jap flag mysteriously appeared and, as mysteriously, disappeared. The army moved in, followed by the F. B. I. There were mass arrests, and one hundred men were thrown into near-by jails and deserted C. C. C. Camps. When the prisoners were carried off they were surrounded by howling Japanese who yelled, 'Banzai!'

“ ‘You can't imagine how close we came to machine-gunning the whole bunch of them,’ one official said. ‘The only thing that stopped us, I guess, were the effects such a shooting would have had on the Japs holding our boys in Manila and China * * * and the fact that, in all these Tulelake riots, a lot of Japs got hurt fighting for us.’

“Leaders of the disturbance, most of whom were believed to be *Kebeis*, were identified and sent to an Arizona concentration camp for incorrigibles. Others were given prison terms for violation of

the State riot law, while still others were paroled or pardoned. Camp Director Harvey Coverley stated that the arrests put an end to the disturbances.”

THE MANZANAR DISTURBANCE

The central figure of the December, 1942, disturbance at the Relocation Center at Manzanar was Fred Masaru Tayama. Tayama testified before the committee in Los Angeles on Japanese activities, March 24, 1942. (Com. Trans. Volume X, pp. 2961-2965.) He was born in Honolulu. He attended the *A. R. Muir Institute of Technology* in Chicago. He formerly was the chairman of the Southern California District Council of the *Japanese-American Citizens League*. Shortly after December 7, 1941, Tayama called a meeting of certain American-born Japanese leaders and organized an anti-Axis Committee. An intelligence unit was created in order to assist governmental investigative authorities in their work. This prompt and laudable action on the part of Fred Tayama made many dangerous enemies for him among the disloyal and subversive Japanese.

Fred Tayama's demeanor on the witness stand when testifying before the committee in Los Angeles, was above-board, open and frank. (Digest of Tayama's Los Angeles testimony appears on pages 344 to 346 in the committee's 1943 Report.) At that time he proudly exhibited a document from the Japanese consul given to him at his insistence, proving his complete expatriation from Japan. He testified that although he was born in Honolulu, he was considered a citizen of Japan in 1923 and subject to Japanese military duty. He was advised to apply to the Japanese Consul General for extension or exemption of military service. He is one of the few American-born Japanese known to the committee who took the necessary steps for the cancellation of the Japanese side of his dual citizenship.

The *New World* supplement for Sunday, December 13, 1942, in the *San Francisco Chronicle* printed the following story:

“Last week, nine-month old Manzanar produced its first political incident. Using descriptive, excitable adjectives and worded carefully so as not to over-emphasize isolated trouble, the War Relocation Authority described the occurrence: ‘Saturday night six men entered the residence of Fred Tayama, (President of the *Japanese-American League*), and beat him so severely that he was taken to the hospital. Immediately three evacuees were taken into custody, and one of them was transferred to the jail at nearby Independence. The next morning crowds gathered in the Center streets, and selected a committee which met with Camp Director Ralph P. Merritt at the main gate and asked for the return of the jailed men. Merritt agreed that the evacuees would be brought back to Manzanar if the committee would agree that there would be no more

meetings or gatherings, that order would be maintained until the proper hearing could be held, and if the group would deliver to the authorities the men who had beaten Tayama.

"The crowd dispersed about mid-afternoon, the jailed men were returned to the center police headquarters. But that night two large groups assembled—one at the hospital, demanding that Tayama be turned over to them, and another at the Internal Security Headquarters . . .

"When Merritt refused to release his prisoners . . . he became alarmed when some members threatened to kill Tayama . . . The director called the military police to restore order. But the milling Japanese refused to go home and began to advance on the prison guard, who, when the tear gas was blown away by a high wind, threatened to open fire. The crowd kept coming—the M. P.'s fired, killing one man, critically wounding another and injuring nine others.

"Both the War Department and the War Relocation Authority are of the opinion that this disturbance was caused by a relatively small group of evacuees, and that the great majority of evacuees at Manzanar and other Relocation Centers are loyal to the United States, and completely in favor of the orderly process of government."

The excitement ended as abruptly as it started. War Relocation Deputy National Director, E. R. Fryer, arrived from Washington and laid down the law. Segregation of known Axis sympathizers and unruly elements followed immediately. Center Director Ralph P. Merritt, a veteran of the first World War, who had just taken over as Camp Director a few days before the disturbances commenced, announced "Peace and quiet prevail."

The evacuee-edited *Manzanar Free Press* in its anniversary issue of March 20, 1943, comments on the "incident" in the following language:

"This basic calm that Manzanar residents had been enjoying was disrupted unfortunately by the 'riot' of December 6th, which was aggravated by the newspaper accounts that stressed only the sensational aspects of the event. The emotional outburst was an inevitable outcome of the internal strife caused largely by the concentrated nature of the population. The fact that other centers have had strife and difficulties reflects on the basic difficulty of any group to maintain a normal life under crowded conditions. Since the date of the Manzanar trouble coincided with Pearl Harbor, 1941, the public press had ample opportunity to misinterpret the essential facts. The sheer coincidence of the date, is, perhaps, the most unfortunate aspect of the whole thing."

The committee is convinced that the disturbance falling on the anniversary of the attack on Pearl Harbor was the result of something far

more serious than "sheer coincidence." The crowded condition of the evacuees in Manzanar on December 6, 7 and 8, 1942, was not the lone factor responsible for the demonstration of defiance. As for the newspapers stressing only the sensational aspects of the event, the committee submits that it would be indeed difficult to imagine anything more sensational than a three-day demonstration of rioting Japanese evacuees accompanied by tear gas and military police shooting into the mob in order to restore order. The committee believes that the disloyal Japs in Manzanar conspired to take vengeance on Tayama for his pro-American attitude, and, at the same time, intimidate other potentially loyal *Nisei* and the administrative staff at the Center with a demonstration on the anniversary of the Japanese attack on Pearl Harbor.

TULELAKE DISTURBANCES

By October, 1943, the War Relocation Authority had apparently completed its task of segregating the loyal from the disloyal evacuees. The disloyal evacuees were sent to Tulelake Center and the allegedly loyal evacuees at Tulelake were distributed among the other relocation centers throughout the United States. It is estimated that there were around 16,000 disloyal Japanese at the Tulelake Relocation Center as of January 1, 1945.

Committee members and representatives made five separate trips to the Tulelake Center. The atmosphere at the Camp was tense, the Japanese were sullen and antagonistic and it was apparent to everyone that some sort of trouble was in the making.

Japanese spokesmen called upon Camp Director Raymond Best and announced that the Japanese would no longer pick vegetables for Caucasians or for the loyal Japanese. They stated that they were aware that crop surpluses were distributed to other Relocation Centers, and that, henceforth, the only vegetables which would be picked by the evacuees at Tulelake would be for their own consumption. Mr. Best, in order to comply with the War Relocation Authority's order and to fill the obligation of the United States Government, sent members of the Caucasian staff of the Relocation Center into the fields to help with the crops and purchased additional supplies when needed.

Japanese spokesmen then demanded that they be allowed to use coal for bonfires while harvesting, and when Relocation officials acceded to this demand, tons of coal were consumed in this manner while the Nation faced an acute coal shortage.

The head of the fire department at Tulelake, formerly a battalion chief of the Los Angeles Fire Department, was next bombarded with a series

of outrageous demands. The first was for a certain type of rubber glove. These were obtained. A pool table for the members of the fire department was next in order and when this demand was refused the members went on what might be considered a sit-down strike, completely disrupting the fire-fighting department. They refused to use blankets or pillows that had been touched by loyal Japanese, and demanded new bed clothes which were secured. An epidemic of false fire alarms ensued. Nearly every piece of fire-fighting apparatus taken from the fire house broke down because of some mechanical defect. Fire hydrants were found to be rammed full of broken glass, bits of cloth and other debris, so that they failed to function. It was later discovered that \$50,000 worth of automatic fire alarm apparatus had been ripped out of the building which housed it, and as far as the committee has been able to ascertain, it has never been found.

On the afternoon of November 1, 1943, a delegation of spokesmen for the subversive Japanese, called upon Director Best in the administration building and presented a series of demands which he was utterly unable to grant. Shortly thereafter all the Caucasians working in the Relocation Center, about 200 persons, were herded into the administration building where they were imprisoned for about four hours, while a mob of howling Japanese, armed with daggers, swords and clubs, milled around outside the building, shouting obscenities at the Caucasian women and loudly proclaiming their disloyalty to the United States. Colonel Verne Austin and his troops had arrived by this time and were posted just outside the barbed-wire fence. The Japanese had mysteriously obtained a loud-speaking apparatus and a microphone. They had previously used a short-wave receiving set, made from parts which were sent into Tulelake without being inspected by Relocation authorities. While the conference with Director Best was in progress and the Caucasian staff was imprisoned inside the building, the milling mob on the outside were addressed in Japanese over the public address system and informed on the progress of the conference. When two Caucasians attempted to leave the building they were beaten and forced inside again.

It later developed that the knives and swords with which the rioters had armed themselves had been made from steel truck springs, deliberately broken when trucks were driven over rough stretches of road. When the springs had been replaced by new ones the old springs were taken to the blacksmith shop operated by Japanese-Americans and made into swords and knives.

When the conference with the director was concluded, a Shinto priest stepped to the microphone and said something in Japanese. Immedi-

ately the mob suddenly faced the east, removed their hats, bowed three times and went back to their barracks.

The following day, November 2d, was quiet and peaceful. On November 3d there were several minor disturbances. At a little after 10 o'clock on the evening of November 4th, rioting again broke out.

Boxes had been filled with pieces of mattress and bits of dry grass soaked with stove oil and placed under most of the wooden buildings in the center. The caps had been removed from the gasoline tanks on all of the automobiles and trucks, and the vehicles had been placed at right angles to the center gates, thus creating an effective blockade to entrances and exits. Colonel Austin's troops, with light tanks, armored cars, and fixed bayonets, moved in through the barricaded entrances and within a matter of minutes the area was cleared of the rioting Japanese. The leaders of the demonstration were taken into custody and order was restored.

A few days later spokesmen for the rioting Japanese called upon Colonel Austin. They again declared that they would only harvest crops for their own consumption. Colonel Austin told them, in substance, to either pick the crops in accordance with the War Relocation Authority policy or continue their strike. The crops were promptly harvested and there was no more trouble.

A study of the November rioting at Tulelake revealed a number of important factors not easily discerned by a cursory examination of the facts. It is apparent, when the facts are analyzed, that if the Japanese had actually planned to burn down the buildings, kill or injure the Caucasian administrative personnel that they had ample opportunity to do so under cover of darkness. It must be remembered that Colonel Austin and his troops were just outside the camp and were able to watch every move of the Japanese. In spite of this fact, of which they were well aware, they staged the first demonstration at 1 p.m. on November 1st. They went so far as to install a public-address system so that every word broadcast was well within earshot of the military authorities. The following day the Japanese were obviously apprehensive that something would be done to penalize them for imprisoning the administrative staff for four hours in their own buildings. Colonel Austin and his troops remained outside the enclosure and life appeared to go on as usual within the Center. On November 3d they launched another series of minor disturbances. It is significant to note that the disturbances of November 1st and November 3d occurred in broad daylight in full view of Colonel Austin and his troops. The riot of November 4th was launched at about 10 o'clock in the evening. The Japanese had taken elaborate precautions to make it perfectly clear to anyone that it was

their intention to burn the wooden buildings in the Center. Boxes of inflammable material had been prepared and placed under the buildings, the caps had been removed from gasoline tanks of all civilian-owned automobiles, as well as from the cars and trucks in the Center's motor pool, and vehicles had been carefully placed to block the entrances and exits of the Center. When the actual rioting started, Colonel Austin and his men moved in promptly. The demonstration abruptly ceased.

Committee investigators are convinced that the Japanese at Tulelake were quite familiar with the legal phases of the situation in which they found themselves, and that the demonstrations of November, 1943, were deliberately designed to provoke these legal questions and at the same time create propaganda material against the United States for the use of the Imperial Japanese government. The Japanese performance during the four-hour period, heretofore described, had all of the aspects of a well-planned dramatic production. While clubs were waved in the air, knives and swords brandished, addresses made over a public-address system, and the entire Caucasian personnel kept imprisoned in the administration building, no serious damage was done. Although the boxes of inflammables were carefully placed under the wooden barracks, nobody lit a match to start the conflagration. It might logically have been expected that the Army would have immediately moved in and taken control, thus placing the United States Government in the anomalous position of making prisoners of war out of its own citizens. The committee believes that these disturbances at Tulelake were carefully staged for this purpose.

The members of the committee, as well as many informed persons in the State and Nation, while recommending segregation of the loyal Japanese from the disloyal, looked upon the War Relocation Authority's decision to establish a center for disloyal Japanese in California as ill-advised.

One of the committee's investigators reported on this subject August 6, 1943:

"That this State was teeming with Japanese activities for years prior to Pearl Harbor is an established fact. That the Army is convinced that no person of Japanese descent should be permitted in the State, at least for the duration of the war, is manifest from the evacuation order itself. It is conceded by everyone familiar with the facts that there are several thousand fanatically subversive evacuees both at Manzanar and Tulelake Centers. California has tremendous industrial facilities turning out the materials of war on a gigantic scale. The aircraft factories of California have turned out nearly 40 per cent of all the Nation's planes. Throughout the

State are shipyards, chemical plants, mills, military and naval installations, embarkation ports and air bases. It was not so long ago that anti-aircraft batteries were firing at enemy planes in Southern California, that an enemy submarine hurled its shells into oil installations off the coast near Santa Barbara, and that ships were being sunk almost within sight of the coast off Santa Cruz and Monterey. If there is any State in the Union that should be entirely free of subversive Japanese, that State is California. Yet, with eight other centers in the United States, the Relocation Authority has recently announced that it intends to gather together all of the subversive evacuees and place them in Tulelake Center, Modoc County, California.

"According to a statement which appeared in the *Pacific Citizen*, issue of July 17, 1943, 6,300 evacuees have asked for repatriation to Japan and 7,500 others gave negative or qualified answers to the Relocation Authority's loyalty questionnaire. Thus, there are certainly at least 13,800 evacuees who would readily be classified as disloyal. It should appear obvious that of all the places in the Country where these evacuees could be placed, the War Relocation Authority has picked the most dangerous."

Despite a flood of protests and resolutions of organizations such as the *American Legion* and the *Native Sons of the Golden West*, civic organizations and Legislative committees, the War Relocation Authority proceeded with its program to make Tulelake a center for subversive Japanese evacuees exclusively. A result of this decision and action was the three-day riot which occurred in November of 1943. The committee is pleased to note the recent decision of the Government in moving these subversive evacuees from Tulelake to various Japanese prison camp centers.

THE RELOCATION CENTER AT POSTON

Committee representatives undertook to investigate reliable reports of Japanese evacuees coming into California across the Arizona border at Parker, Arizona, despite the order of General De Witt barring all persons of Japanese descent from most of the California area for the duration of the war. The only exception to this rule was by permission of the Army.

The War Relocation Center at Poston is near Parker, Arizona. The committee learned that parties of evacuees were in the habit of driving Government trucks and were observed on picnic parties at points from 14 to 22 miles from the center. It was not unusual for parties of evacuees, driving Government trucks from Poston, to visit cocktail lounges. Large slabs of laminated rock covered with century-old Indian hieroglyphics, were pried loose with crowbars and hammers in the Arizona desert and transported to Poston for Japanese fish ponds. Parties of

Japanese evacuees journeyed by Government truck to the town of Parker on shopping tours. Government trucks from Poston, driven by evacuees, came to Parker daily to pick up hundreds of railway-express packages at the platform of the Santa Fe railway station. The packages were taken back to the center and distributed to the addressees without inspection by the center authorities.

Committee investigators met the trains that stop at the Santa Fe station at Parker and on several occasions took photographs of Japanese who were visiting friends in the Relocation Center. Japanese evacuees boarded the train at Parker and rode into California, either to points within the State or for destinations out of the State via some California junction point. The railroad followed a route on the California side through a large area of desert country where American tank forces were holding dress rehearsals for battle.

The committee had been informed, prior to this investigation, that Japanese evacuees had been coming into California by walking across the sand-bars at a low point in the Colorado River. The citizenry of Parker, Arizona, and witnesses on the California side of the river laughed when this report was repeated to them. The committee learned that the Japanese merely drove across the bridge from the Arizona side to the California side and made no attempt whatever to conceal their movements. They were never accompanied by civilian employees of the Relocation Center or by Caucasian guards.

COMMUNIST POLICY ON THE JAPANESE

American Communists are guided in every detail by the policy of the Soviet Union. Moscow is the modern mecca of these Marxist dialecticians and Stalin is the prophet. Soviet Russia embodies, in the minds of all Communists, the first concrete accomplishment of revolutionary Marxism. Their ever-present objectives, still somewhat remote in the future, is the destruction of all capitalistic society and institutions and the creation of world Communism. The ultimate objective is to be reached only through the application of Marxian dialectic to the "day-by-day struggle." The masters of "scientific" socialism, in the opinion of all Communists, are concentrated in Moscow. Hence the blind obedience and unquestioning loyalty to Soviet directives and Soviet policy.

The 1943 Report of the Committee called the Legislature's attention to the policy of American Communists during the Hitler-Stalin Pact, which ended abruptly with the invasion of Russia by Germany in June of 1941. Up to the day of the invasion the American Communists were attacking President Roosevelt as a "war monger" and terming the European conflict as a "British imperialist war." They organized and

dominated the so-called *American Peace Mobilization*, called for an embargo on war material to belligerent countries, advocated an isolationist program for the United States and instituted a series of strikes in defense factories throughout the nation.

The continuous aerial bombing of London and Great Britain had no effect on the isolationist program of the American Communist. But when Hitler's hordes poured into the "holy land" of "Scientific Socialism" Communists everywhere were moved to vigorous action. President Roosevelt was a "war-monger" no longer, the *American Peace Mobilization* and the isolationist program were forgotten. The epidemic of Communist-inspired strikes in defense plants and war industries abruptly ceased and the "British imperialist war" over-night became a "People's war." They now clamored for the lifting of the embargo so that war materials could be made available to the Soviet Union. Without considering the cost in lives and material, the time or the state of preparedness, the Communists set up cries for an immediate "Second front."

It was still nearly six months from December 7, 1941, when American Communist policy changed for the protection of the Socialist fatherland. The Japanese sneak attack on Pearl Harbor brought the United States sharply into line with Communist Party policy, although Russia continued at peace with Hirohito. Japan and Russia have remained at peace throughout the intervening months.

The attitude adopted by the American variety of Communist toward the Japanese in general and the Japanese evacuees in the Relocation Centers in particular, is partially explained by the fact that Japan and Russia have remained at peace. The policy or "line" directives, since early in 1942 projected from the Communist Party viewpoint, would read as follows:

"All Communists are ordered to minimize the Japanese danger. All large military efforts in the United States must be directed to Europe. Our immediate task is the defeat of Hitler and the protection of the Soviet Union. Smear anyone who advocates major activities against Japan at the present time. Our historic course with Japan will be determined at the conclusion of the war with Germany. Meanwhile our traditional role as the champions of racial equality must be maintained."

This directive is clearly indicated in the columns of the Communist press, "*The People's Daily World*." Communist writers have constantly ridiculed the attempt of official legislative committees in their objective studies of the Japanese problem. Typical articles clearly indicating the current Communist policy on the Japanese question have

appeared with significant frequency in Communist Party publications since the United States was treacherously attacked by Japan.

The "*People's Daily World*" for November 11, 1944, reported the Tulelake Relocation Center disturbances, under the date line of November 3, 1943, as follows:

"EXAMPLE OF FIFTH COLUMN TECHNIQUE
"FALSE RUMORS

"Tulelake, California, Nov. 3—Widespread reports of rioting at the Japanese Relocation Center at Tulelake have been inspired by German agents and have played directly into the hands of Nazi and Japanese propagandists.

"So declared the authorities of the War Relocation Authority, who branded as 'subversive lies', rumors that 5,000 Japanese had laid siege to the Tulelake Administration building and had to be dispersed by troops using tear gas.

"W. R. A. officials disclosed that in regard to one false report of trouble at the Center 'four telephone calls were received by us from widely scattered areas within five minutes after the incident was supposed to have occurred.'

"'There is no doubt that subversive individuals, or groups, are planting these stories,' the authorities stated."

It is of passing interest, and certainly a matter of deep significance, that the "*People's Daily World*," failed to carry stories of the November 4, 1943, rioting at Tulelake. Magazines and newspapers all over the United States carried accounts of this demonstration. Committee members and attaches have been unable to find a single word in "*The People's Daily World*" on this event. The readers of the Communist publication were apparently to be left in the dark as to the true situation and were to believe that metropolitan newspaper accounts of the use of United States troops in quelling the riots were the "subversive lies" of "Nazi agents."

Current Communist Party policy on the Japanese question is indicated in an editorial by Communist John Pittman in "*The People's Daily World*" for Wednesday, July 21, 1943. "According to our coverage of the (Governor's) conference," the editorial states, "Governor Warren's sole contribution to the solution of the problems of the Nation and the world, now in the most critical period of history, was a claim that the release of the Japanese-Americans from the relocation centers in the west, had created a danger in the country . . . it bears the indelible stamp of an incorrigibly provincial mind, surveying the universe from the top of an ant hill, and at that, through the wrong end of a telescope. Its pettiness is exceeded only by its falsities, for in actual fact the release of loyal Japanese-Americans from Relocation Camps for

integration in industry and the armed services has been a boon rather than a danger, to the war effort. More to the point, it smells of the 'Pacific first' dung-hill, explicitly minimizing the menace of Hitler, all too few of whose saboteurs amongst us have been tried."

The Communist Party had made converts among the Japanese population in California before Pearl Harbor. Soviet policy in the Far East and the ultimate objective of world Communism will dictate the "scientific" policy for Communist treatment of the Japanese, both in the United States and abroad. The committee states unequivocally and without fear of contradiction by future events, that the American Communists will vociferously echo Soviet policy, both as to the Japanese war and postwar diplomacy. Meanwhile American Communists remain neatly balanced on Soviet neutrality, awaiting the Stalinistic determinism of Moscow's dialecticians and "the correct course to be pursued" as finally established by Kremlin metaphysicians. They will then leap into the fray on the side of the fence indicated by Marshal Stalin's pipe.

AMERICAN PRO-JAPANESE ORGANIZATIONS

The Committee has recognized a number of organizations composed entirely of American Caucasians manifesting great solicitude and concern for Japanese evacuees and frankly created in their behalf. Many of these organizations are quasi religious and pacific in character and concern themselves with conscientious objectors as well as with the Japanese. They declare that they are primarily concerned with the civil liberties of the *Nisei*, taking the attitude that the Federal Government is either unable or unwilling to protect them in these guarantees. Through spokesmen and literature these organizations have been, and are, diffusing a sticky-sweet atmosphere over the problem. Their spokesmen blandly state, and they announce by leaflet and pamphlet, that there is no evidence of the Japanese engaging in subversive activities before December 7, 1941. The evidence to the contrary is overwhelming. No less an authority than Saburo Kido, National President of the *Japanese-American Citizens League*, declared in the July 17, 1943, issue of the *Pacific Citizen* that "Japanese-Americans would be the first to deny that all of their members are 100 per cent loyal."

Togo Tanaka testified before the committee in Los Angeles early in 1942 (Com. Tr., Vol. X, pp. 2843-2889). His testimony is digested in the Committee's 1943 Report at page 332 to 336 inclusive. Tanaka is American-born. He attended the Los Feliz Elementary School and the Thomas Starr King High School, Hollywood High School and the University of Southern California, where he majored in political science

and from where he was graduated in 1936. Shortly thereafter he became the editor of the English section Japanese newspaper, "*Rafu Shimpo*," a Los Angeles publication with an extensive circulation throughout the entire Pacific Coast area. The paper was printed in the Japanese language for the greater part and, from time to time, the management published a Japanese directory. In 1941 the "*Rafu Shimpo*" issued a directory containing more than 500 pages setting forth material collected in the United States under the direction of the "*Rafu Shimpo*" staff. This material was sent to Japan where it was compiled and where the directory was printed. The names and addresses of thousands of Japanese, *Issei*, *Nisei* and *Kebei*, are contained in the volume. When Tanaka testified, the committee learned that several significant pages had been removed from the directory. The witness admitted that the publication was about 90 per cent subversive. The witness believed that most of the Japanese organizations in California were under the domination of the *Issei*.

The committee has been interested in charges made by certain pro-Japanese groups that West Coast opposition to the return of the Japanese emanates from Caucasian agricultural interests and that the opposition is founded on selfishness. As far as the committee and its investigators have been able to ascertain there is little or no factual basis to this charge. The latest official figures available (1940) indicate that although few industries are as highly competitive, Japanese competition was not a dominant factor in the produce and farming industry. In 1940, the three Western Pacific Coast States, California, Oregon and Washington, had a Japanese population of 112,353 or about 85 per cent of the National total. Only 45 per cent of that number were engaged in agriculture. In 1940 the California Bureau of Agricultural Economics estimated that there were only four crops in the State of which the Japanese produced in excess of 50 per cent of the total, namely, snap beans, cauliflower, celery and garlic. The Japanese operated about 6000 farms in the three West Coast States. This amounted to a little over 2 per cent of the total number of farms operated. In California, Oregon and Washington 97 per cent of the farms were operated by nationalities other than Japanese.

Much of Japanese farming was done by unpaid family workers. Available statistics indicate that most of these unpaid agricultural laborers were women and girls. The committee is informed that although Japanese women were only 1.5 per cent of all employed women in the Pacific Coast States, they represented 48 per cent of all unpaid family workers on West Coast farms. More than one out of five Japanese engaged in agriculture was an unpaid family worker.

The committee is also aware of the existence of certain organizations created for propaganda and activity against all Japanese, regardless of loyalty or disloyalty, or whether American or foreign-born. These organizations, through their spokesmen and literature, are as vociferous in their condemnation of all Japanese as the pro-Japanese organizations are in their behalf. They resort to vilification and appeal to war prejudices in a tirade of abuse against all persons of Japanese descent, branding all and sundry as "faithless, untrustworthy, irresponsible, inhuman, ungodly, soulless and disloyal!"

Somewhere between the hysteria of the vigorous anti-Jap groups and the naive pacifist-conscientious-objector pro-Jap group is the balance-bar of equity and justice for the American-born Japanese. About half-way between the extreme pro and con charges of both groups is the true story of the Japanese evacuation and the relocation centers in California. When the full story is told it will be filled with drama, with comedy and tragedy, with suffering and self-sacrifice, with villainy and heroism, with deep shadows and bright sunlight—a story bewildering in its complexity of delicate problems.

THE JAPANESE-AMERICAN CITIZENS' LEAGUE

The *Japanese-American Citizens League* held its first annual conference in three years at Salt Lake City early in December of 1944. The conference had the endorsement of the War Relocation Authority. Dillon Meyer was scheduled to speak, but did not appear. Official representatives of the *Pacific Coast Committee on American Principles and Fair Play*, *Friends of the American Way*, the Methodist Church and similar groups attended. The Caucasian delegates proposed a five-point program which was unanimously adopted. The program is as follows:

1. To restore to Japanese all rights lost as a result of evacuation.
2. To restore all losses sustained as a result of evacuation.
3. Intensify campaign at Tulalake to get Japanese to sign a slip of paper changing their status on loyalty. (This is called "Giving the Japanese another chance.")
4. A campaign to influence Congress to amend immigration laws so that citizenship may be granted to Japanese aliens in the United States.
5. Campaign to open immigration to Japanese after the war. (Repeal of the Oriental Exclusion Act.)

This program, of course, contemplates the lifting of all restrictions on the Japanese. This has practically been accomplished, as far as American-born Japanese are concerned, by the War Department on the revocation of its order excluding all Japanese from the Western Defense Area, and the Supreme Court's recent decision on the subject. The program to restore all losses sustained by the Japanese as a result of evacuation probably contemplates hundreds of civil suits against the Government for losses incurred by the sale of personal effects, household goods, real property, and the recovery of wages, salaries and profits due to loss of earning power for three years. The plan to bring suit against the Government for the recovery of wages, salaries and profits is said to have been discussed by the *American Civil Liberties Union*.

The Imperial Japanese Government, until Pearl Harbor, never relaxed its tenacious hold and influence over the lives of all Japanese in the United States, whether alien or American-born. Supplementing the psychological control exerted by fanatical ideologies, a direct hold and domination over all Japanese on the West Coast was established and maintained by an intricate web of interlocking associations. Some of these associations were business and industrial, while others were social. Virtually every Japanese was a member of several associations. They were generally linked, directly or indirectly, to the Japanese Consulate. No Japanese, whether American or foreign-born, dared disobey edicts of his association without jeopardizing his business and social existence.

The committee has heretofore pointed out that the *Issei* thoroughly control the thinking and the action of the Japanese population born in the United States. There have been some claims since the evacuation of the Japanese that this domination of the *Nisei* (American-born Japanese) by the *Issei* (foreign-born) has been broken and that the American-born Japanese are now free of the domination and guidance of parents born and indoctrinated with Japanism. The facts appear to contradict this claim.

It was announced that the delegates from the Heart Mountain (Wyoming) Relocation Center to the conference at Salt Lake City was an all-*Issei* delegation. There are many thousands of Japanese evacuees at Heart Mountain with a very large percentage of American-born Japanese. If the *Issei* domination no longer exists, why was it that a delegation of *Issei* (foreign-born) should be selected to attend a conference that purported to plan the future of the Japanese in the United States?

CONCLUSION

The committee is informed that as a result of its investigation unescorted Japanese are no longer permitted to enter this State from Arizona at will. Letters and packages addressed to alien Japanese or those evacuees suspected of disloyalty are now opened and inspected before being delivered to the addressees.

The committee does not contend, and never has contended, that all Japanese evacuees are disloyal to the United States. As a result of intensive investigation the committee finds that the great majority of *Issei* (foreign-born Japanese) are loyal to Japan. The committee believes that the *Issei*, for the greater part, if given the opportunity, would do everything in their power to further the war aims of Japan. The committee finds that the *Kebei* (American-born Japanese who have spent several years in Japan for purported educational purposes) are definitely in the "suspect" class as far as loyalty to the United States is concerned. The committee finds that the *Nisei* (American-born Japanese) were, to a great extent, engaged in pro-Japanese activities before Pearl Harbor. Many of these American-born Japanese are disloyal to the United States, while many of them have illustrated by their conduct since Pearl Harbor their loyalty to the land of their birth. Many of the *Nisei* have enlisted in the armed forces of the United States and have distinguished themselves as United States soldiers on the field of battle.

The committee believes that every American citizen of Japanese descent who has demonstrated his or her loyalty to the United States during these trying times should be extended every opportunity of developing their Americanism and taking their respective places in communities of their choosing with all the rights guaranteed to all American citizens.

The committee believes that the evaluation of the loyalty of any particular Japanese, *Issei*, *Nisei* or *Kebei*, should include a consideration of their conduct and activities both before and after Pearl Harbor. Allowances for the influence and domination of the *Issei* over the *Nisei* prior to December 7, 1941, should be made in such evaluation.

The committee is in possession of authentic reports of outstanding acts of heroism on the part of American-born Japanese in the armed forces of the United States, both in Europe and in the Pacific war against the Japanese. These men, and such Japanese as Tokie Slocum, who was made a citizen of the United States by a special act of Congress for his service in France with Sergeant York, should be honored as patriotic American citizens.

The committee believes that the only issue involved, is the issue of loyalty to the United States. It is not a question of race. It is only a question of Americanism.

Loyal American-born Japanese evacuees look upon their detention in the Relocation Centers as a necessary sacrifice for the land of their birth. They, better than any Caucasian, know that there are many among them who could not and should not be at large during the war. The War Relocation Authority is in the best position to pass judgment on the loyalty of this class of evacuee.

The committee is in possession of authentic information that the loyal Japanese evacuees prefer to wait for the end of the war before attempting to return to their former communities. In view of the recent Supreme Court decision and the attitude of United States Army officials, the committee believes that the Relocation Centers should be maintained for those evacuees who voluntarily elect to remain in them until the end of the war.

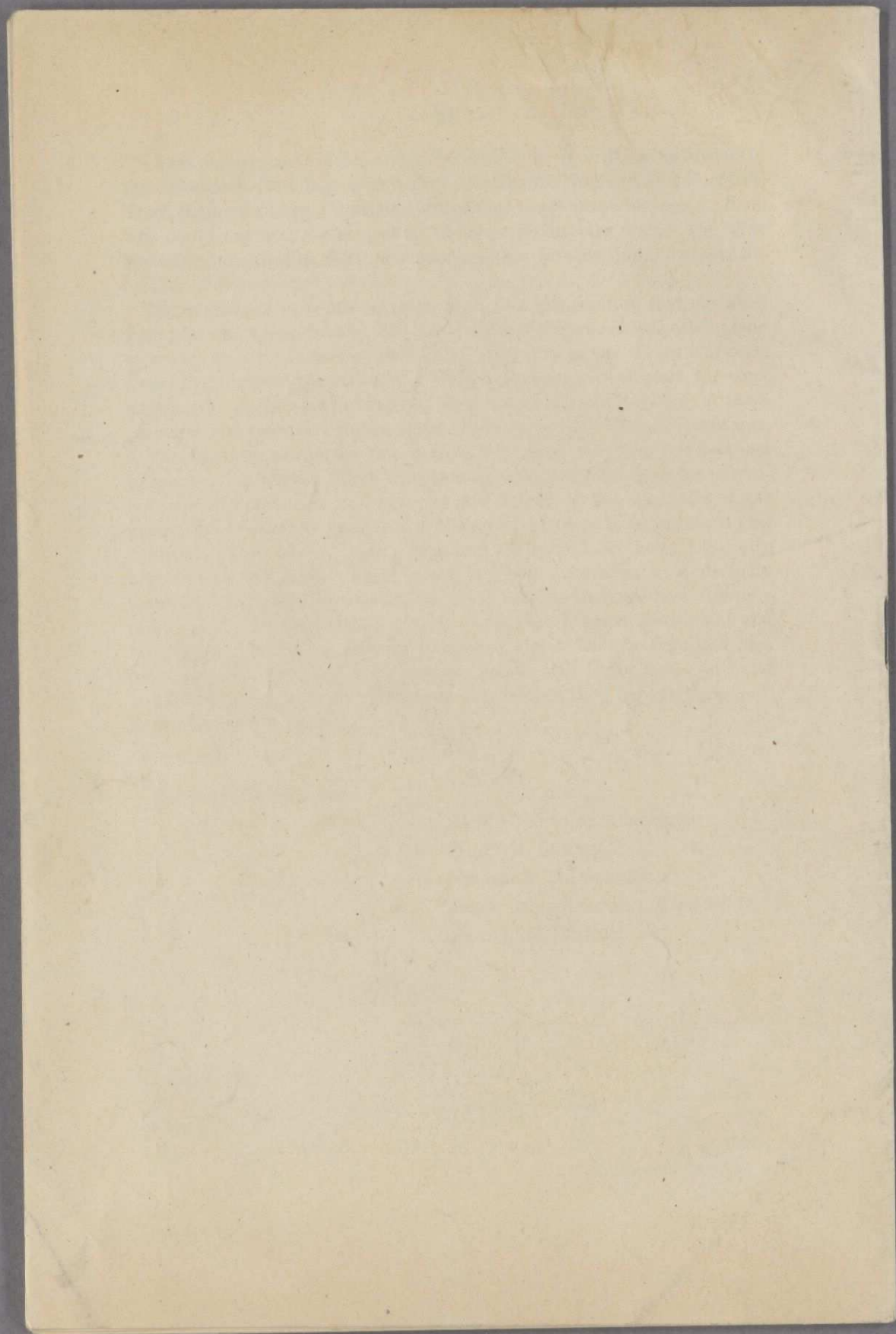
The Japanese people are fanatical in their faith that they are destined to conquer the world. They traditionally measure time in terms of generations and centuries, and reverses and defeats in the span of a single generation are merely incidents in the sweep of time, to be expected and endured. They are a "holy" race and their land is "holy," literally begotten of the gods. Their cause is "holy" because it is divinely inspired. Ultimate victory will be theirs because the gods have divinely ordained it. Unless Japan is utterly crushed and broken in this war and her power to make war forever destroyed, defeat will be regarded as a temporary set-back and the Japanese people will begin again to build methodically for another attempt at the destiny they believe their gods have planned for them.

* * * * *

Respectfully submitted.

JACK B. TENNEY, Chairman
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*printed in CALIFORNIA STATE PRINTING OFFICE
SACRAMENTO, 1945 GEORGE H. MOORE, STATE PRINTER*



ASSEMBLY BILL

T 1.51
No. 17

INTRODUCED BY MESSRS. HASTAIN, DILWORTH, KRAFT,
MIDDOUGH, HOWSER, STREAM, WATSON, FOURT,
WATERS, WEYBRET, ERWIN, BASHORE, AND MRS.
NIEHOUSE

January 7, 1943

REFERRED TO COMMITTEE ON JUDICIARY

An act to amend Section 8 and to repeal Section 4 of, and to add Sections 4, 10a, 10b, 10c, 11a, and 12a to, an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by the electorate November 2, 1920, relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to contracts for the use, leasehold or other interest in real property less than the fee, including cropping contracts, providing for escheats in certain cases, prescribing the procedure therein, defining the powers and duties of the Attorney General or the district attorney of the proper county in reference thereto, providing as to the duties, powers and authority of any alien appointed by any court as guardian of his native-born minor child or children, or as guardian of any other person, or persons, and prescribing the procedure in such cases, and to provide a penalty.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4 of the act cited in the title is
- 2 repealed.
- 3 SEC. 2. Section 4 is added to said act to read:
- 4 SEC. 4. Whenever any alien mentioned in Section 2 hereof
- 5 is appointed by any court as a guardian of his native-born

1 minor child or children, or as a guardian of any other person
 2 or persons, it shall be unlawful for such said alien guardian
 3 to farm, operate or manage any land or lands held by such
 4 said guardianship estate, except solely for the use and benefit
 5 of the ward or wards of said estate, or to enjoy, possess or
 6 have, in whole or in part, the beneficial use of any such said
 7 land or lands so held or possessed or which belong to any
 8 such said guardianship estate, nor shall said alien guardian
 9 have or enjoy or receive directly or indirectly the beneficial
 10 use of such said lands or the proceeds received from the sale
 11 of any crops produced, grown or raised thereon, it being the
 12 intent of this section that no alien mentioned in Section 2
 13 hereof shall by any guardianship proceedings whatsoever
 14 evade or violate or seek to evade or violate any of the provi-
 15 sions of this statute.

16 In all such said guardianship estates, the alien guardian
 17 must make a monthly report to the court in which said guard-
 18 ianship estate is pending, showing in detail and supported
 19 by receipts, all money disbursed, expended and paid out by
 20 said guardian, to whom same was paid, for what purpose, and
 21 the date of such said disbursement or payment. Also all
 22 money received, from whom received, for what purpose
 23 received, and the date of the receipt thereof. Failure on the
 24 part of the said alien guardian so to do will constitute a
 25 direct violation hereof, for which said guardian may be prose-
 26 cuted and punished as set forth in Sections 10 and 10a hereof.
 27 Said alien guardian shall include in such said monthly
 28 report such other matters and items as the court may require,
 29 the said alien guardian to be under the absolute jurisdiction
 30 and control of the court at all times, and the court may from
 31 time to time require said alien guardian to make special
 32 reports on all things pertaining to said guardianship estate.
 33 The court may also require the ward of any such said guard-
 34 ianship estate to be produced in court whenever said court
 35 may deem such procedure necessary and proper for the pro-
 36 tection of said guardianship estate. In no case shall the said
 37 ward of any such said guardianship estate leave the State
 38 of California without first obtaining the written permission
 39 of the court so to do.

40 The court shall have the power to fix the compensation of
 41 the said alien guardian at such amount as the court may
 42 determine, but in no case shall said amount exceed the actual
 43 and necessary expenses of said alien guardian in the perform-
 44 ance of his duties. The court shall also fix the amount of
 45 bond to be given by said alien guardian. The court shall
 46 also fix and determine the amount of attorney's fees in all
 47 such guardianship matters. In no event, however, shall said
 48 attorney's fees exceed the sum of one hundred fifty dollars
 49 (\$150) per annum.

50 Whenever any alien guardian shall fail, neglect or refuse
 51 to comply with the terms and provisions hereof, he may be

1 removed as guardian of said estate by the court, when deemed
 2 to be for the best interests of said estate.

3 The court shall require a final account to be filed on behalf
 4 of any such guardianship estate at the time the ward or wards
 5 shall become 21 years of age. Such final account must be
 6 prepared and filed by the alien guardian and must contain
 7 in detail a full and complete accounting of all property, both
 8 real and personal, belonging to said estate, all money dis-
 9 bursed and paid out on account of said guardianship estate
 10 and all money received on account thereof. The court may
 11 also require such other matters to be included in said report
 12 as said court may deem to be necessary and proper. No such
 13 guardianship estate shall be finally closed until the final
 14 report shall have been filed and approved by the court.

15 SEC. 3. Section 8 of said act is amended to read:

16 Sec. 8. Any leasehold or other interest in real property
 17 less than the fee, including cropping contracts which are
 18 hereby declared to constitute an interest in real property less
 19 than the fee, hereafter created and acquired in violation of
 20 the provisions of this act by any *landlord or owner of land*
 21 *and any alien mentioned in Section 2 of this act*, or by any
 22 company, association or corporation mentioned in Section 3 of
 23 this act, shall escheat to the State of California, as of the date
 24 of such acquiring in violation of the provisions of this act.
 25 The Attorney General or the district attorney of the proper
 26 county shall institute proceedings *against both the landlord*
 27 *or owner of the land and the alien mentioned in Section 2 of*
 28 *this act*, to have such escheat adjudged and enforced in the
 29 same manner as is provided in Section 7 of this act. In such
 30 proceedings the court shall determine and adjudge the value
 31 of such leasehold or other interest in such real property,
 32 *including both the landlord's interest and the interest of the*
 33 *lessee*, as of the date of such acquisition in violation of the pro-
 34 visions of this act, and enter judgment for the State for the
 35 amount thereof together with costs. The said judgment so
 36 entered shall be considered a lien against the real property in
 37 which such leasehold or other interest less than the fee so
 38 *created and acquired in violation of the provisions of this act*,
 39 which lien shall exist as of the date of such unlawful acquisi-
 40 tion. Thereupon the court shall order a sale of the real prop-
 41 erty covered by such leasehold, or other interest, in the manner
 42 provided by Section 1271 of the Code of Civil Procedure. Out
 43 of the proceeds arising from such sale, the amount of the
 44 judgment rendered for the State shall be paid into the State
 45 Treasury and the balance shall be deposited with and dis-
 46 tributed by the court in accordance with the interest of the par-
 47 ties therein. *Provided that the court shall fix and determine*
 48 *the total costs and expenses of the county in which the case*
 49 *is tried in preparing and prosecuting such escheat cause, and*
 50 *same shall thereupon be repaid to said county out of the State*
 51 *Treasury.* Any share of stock or the interest of any member
 52 in a company, association or corporation hereafter acquired in

1 violation of the provisions of Section 3 of this act *shall escheat*
 2 *to the State of California as of the date of such acquiring*, and
 3 it is hereby declared that any such share of stock or the inter-
 4 est of any member in such a company, association or corpo-
 5 ration so acquired in violation of the provisions of Section 3
 6 of this act is an interest in real property. Such escheat shall be
 7 adjudged and enforced *against both the lessor and the lessee*
 8 in the same manner as is provided in this section for the
 9 escheat of a leasehold or other interest in real property less
 10 than the fee.

11 SEC. 4. Section 10a is added to said act to read:

12 SEC. 10a. Any person who violates any of the provisions
 13 of this act shall be punishable by imprisonment in the county
 14 jail not to exceed one year or in the State penitentiary not
 15 exceeding two years, or by a fine not to exceed five thousand
 16 dollars (\$5,000), or both.

17 SEC. 4. Section 10b is added to said act to read:

18 SEC. 10b. The Attorney General of the State of California
 19 or the district attorney of the proper county is hereby granted
 20 the power to institute in the name of the people of the State of
 21 California injunction proceedings to enjoin and restrain any
 22 and all persons from entering into any written or oral agree-
 23 ments in violation of the terms and provisions of this act, and
 24 said Attorney General or district attorney shall have the
 25 power to file such said injunction proceedings for the purpose
 26 of restraining and enjoining any person from operating or
 27 conducting farming and agricultural operations in violation
 28 of the terms and provisions of this act; all such said injunction
 29 proceedings shall be instituted in the superior court of the
 30 county in which the real property involved is situated. In so
 31 far as applicable said injunction proceedings shall be gov-
 32 erned by the terms and provisions of Part 2, Title 7, Chapter
 33 3, of the Code of Civil Procedure of the State of California.

34 SEC. 6. Section 10c is added to said act to read:

35 SEC. 10c. The Attorney General of the State of California
 36 and the district attorney of the proper county are hereby
 37 granted power to institute proceedings in the name of the
 38 people of the State of California under this act, in the superior
 39 court of the county in which the land involved is located, for
 40 the purpose of testing and determining by a civil action in a
 41 declaratory manner whether or not any agricultural land is
 42 being farmed or used under a contract written or oral in vio-
 43 lation of the terms and provisions of this act.

44 SEC. 7. Section 11a is added to said act to read:

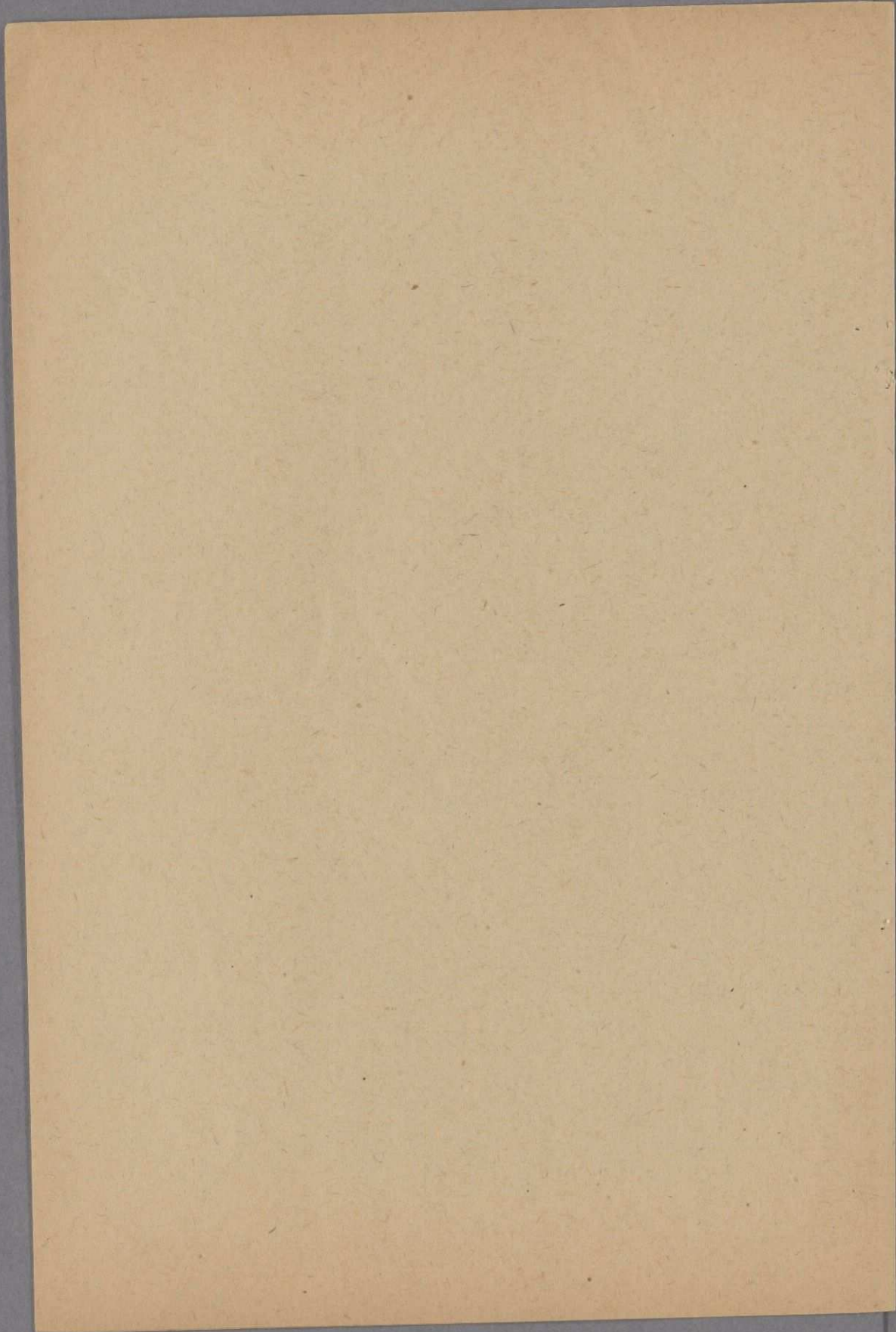
45 SEC. 11a. All leases, cropping agreements and any other
 46 agreements to acquire, possess, enjoy, use, cultivate, occupy
 47 and transfer real property for farming or agricultural pur-
 48 poses or to transfer in whole or in part the beneficial use of
 49 said lands when said lease agreements, cropping contracts or
 50 other contracts are made in the name of the wife or child of
 51 any alien mentioned in Section 2 of this act, or made in the
 52 name of any other person, shall be illegal and void and in vio-

1 lation of the terms and provisions of this act where such said
 2 alien mentioned in Section 2 of this act is allowed to remain
 3 upon the land, farm and cultivate same and enjoy directly or
 4 indirectly the beneficial use of such said agricultural lands or
 5 obtains or has a beneficial interest in or use of the proceeds
 6 received from the sale of agricultural crops produced on said
 7 lands, and in all such cases all of said persons signing and
 8 entering into any such said agreements shall be guilty of vio-
 9 lation of the terms and provisions of this act, and upon con-
 10 viction thereof shall be punished in the manner provided in
 11 Sections 10 and 10a hereof, and the Attorney General or the
 12 district attorney of the proper county shall have the power to
 13 institute injunction proceedings in the name of the people of
 14 the State of California against any and all such persons for
 15 the purpose of enjoining and restraining them from carrying
 16 on farming operations on any agricultural lands in the State
 17 of California, under the terms and provisions of any such said
 18 agreements, contracts, or leases, as hereinbefore provided.

19 SEC. 8. Section 12a is added to said act to read:

20 SEC. 12a. No alien mentioned in Section 2 hereof shall own,
 21 lease, control or have, or enjoy the beneficial use thereof, or
 22 the proceeds received from the use or operation thereof, or any
 23 land in the State of California, including agricultural lands,
 24 city property or property used for agricultural purposes.

THE UNIVERSITY OF CHICAGO



INTRODUCED BY MR. LOWREY

January 7, 1943

REFERRED TO COMMITTEE ON JUDICIARY

An act to amend Section 8 and to repeal Section 4 of, and to add Sections 4, 10a, 10b, 10c, 11a, and 12a to, an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by the electorate November 2, 1920, relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to contracts for the use, leasehold or other interest in real property less than the fee, including cropping contracts, providing for escheats in certain cases, prescribing the procedure therein, defining the powers and duties of the Attorney General or the district attorney of the proper county in reference thereto, providing as to the duties, powers and authority of any alien appointed by any court as guardian of his native born minor child or children, or as guardian of any other person, or persons, and prescribing the procedure in such cases, and to provide a penalty.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4 of the act cited in the title is repealed.
- 2 SEC. 2. Section 4 is added to said act to read:
- 3 SEC. 4. Whenever any alien mentioned in Section 2 hereof
- 4 is appointed by any court as a guardian of his native-born
- 5 minor child or children, or as a guardian of any other person
- 6 or persons, it shall be unlawful for such said alien guardian
- 7 to farm, operate or manage any land or lands held by such

1 said guardianship estate, except solely for the use and benefit
2 of the ward or wards of said estate, or to enjoy, possess or
3 have, in whole or in part, the beneficial use of any such said
4 land or lands so held or possessed or which belong to any such
5 said guardianship estate, nor shall said alien guardian have
6 or enjoy or receive directly or indirectly the beneficial use
7 of such said lands or the proceeds received from the sale of
8 any crops produced, grown or raised thereon, it being the
9 intent of this section that no alien mentioned in Section 2
10 hereof shall by any guardianship proceedings whatsoever evade
11 or violate or seek to evade or violate any of the provisions of
12 this statute.

13 In all such said guardianship estates, the alien guardian
14 must make a monthly report to the court in which said guard-
15 ianship estate is pending, showing in detail and supported by
16 receipts, all money disbursed, expended and paid out by said
17 guardian, to whom same was paid, for what purpose, and
18 the date of such said disbursement or payment. Also all
19 money received, from whom received, for what purpose
20 received, and the date of the receipt thereof. Failure on the
21 part of the said alien guardian so to do will constitute a direct
22 violation hereof, for which said guardian may be prosecuted
23 and punished as set forth in Sections 10 and 10a hereof.

24 Said alien guardian shall include in such said monthly
25 report such other matters and items as the court may require,
26 the said alien guardian to be under the absolute jurisdiction
27 and control of the court at all times, and the court may from
28 time to time require said alien guardian to make special
29 reports on all things pertaining to said guardianship estate.
30 The court may also require the ward of any such said guard-
31 ianship estate to be produced in court whenever said court
32 may deem such procedure necessary and proper for the pro-
33 tection of said guardianship estate. In no case shall the said
34 ward of any such said guardianship estate leave the State of
35 California without first obtaining the written permission of
36 the court so to do.

37 The court shall have the power to fix the compensation of
38 the said alien guardian at such amount as the court may de-
39 termine, but in no case shall said amount exceed the actual
40 and necessary expenses of said alien guardian in the per-
41 formance of his duties. The court shall also fix the amount
42 of bond to be given by said alien guardian. The court shall
43 also fix and determine the amount of attorney's fees in all
44 such guardianship matters. In no event, however, shall said
45 attorney's fees exceed the sum of one hundred fifty dollars
46 (\$150) per annum.

47 Whenever any alien guardian shall fail, neglect or refuse
48 to comply with the terms and provisions hereof, he may be re-
49 moved as guardian of said estate by the court, when deemed
50 to be for the best interests of said estate.

51 The court shall require a final account to be filed on be-
52 half of any such guardianship estate at the time the ward or

1 wards shall become 21 years of age. Such final account must
2 be prepared and filed by the alien guardian and must con-
3 tain in detail a full and complete accounting of all property,
4 both real and personal, belonging to said estate, all money
5 disbursed and paid out on account of said guardianship estate
6 and all money received on account thereof. The court may
7 also require such other matters to be included in said report
8 as said court may deem to be necessary and proper. No such
9 guardianship estate shall be finally closed until the final report
10 shall have been filed and approved by the court.

11 SEC. 3. Section 8 of said act is amended to read:

12 Sec. 8. Any leasehold or other interest in real property
13 less than the fee, including cropping contracts which are
14 hereby declared to constitute an interest in real property less
15 than the fee, hereafter created and acquired in violation of
16 the provisions of this act by any *landlord or owner of land*
17 *and any alien mentioned in Section 2 of this act*, or by any
18 company, association or corporation mentioned in Section
19 3 of this act, shall escheat to the State of California, as of
20 the date of such acquiring in violation of the provisions of
21 this act. The Attorney General or the district attorney of
22 the proper county shall institute proceedings *against both*
23 *the landlord or owner of the land and the alien mentioned*
24 *in Section 2 of this act*, to have such escheat adjudged and
25 enforced in the same manner as is provided in Section 7 of
26 this act. In such proceedings the court shall determine and
27 adjudge the value of such leasehold or other interest in such
28 real property, *including both the landlord's interest and the*
29 *interest of the lessee*, as of the date of such acquisition in
30 violation of the provisions of this act, and enter judgment
31 for the State for the amount thereof together with costs. The
32 said judgment so entered shall be considered a lien against
33 the real property in which such leasehold or other interest
34 less than the fee is so *created and* acquired in violation of
35 the provisions of this act, which lien shall exist as of the date
36 of such unlawful acquisition. Thereupon the court shall
37 order a sale of the real property covered by such leasehold,
38 or other interest, in the manner provided by Section 1271
39 of the Code of Civil Procedure. Out of the proceeds arising
40 from such sale, the amount of the judgment rendered for
41 the State shall be paid into the State Treasury and the bal-
42 ance shall be deposited with and distributed by the court
43 in accordance with the interest of the parties therein. *Pro-*
44 *vided that the court shall fix and determine the total costs*
45 *and expenses of the county in which the case is tried in*
46 *preparing and prosecuting such escheat cause, and same shall*
47 *thereupon be repaid to said county out of the State Treasury.*
48 Any share of stock or the interest of any member in a com-
49 pany, association or corporation hereafter acquired in viola-
50 tion of the provisions of Section 3 of this act *shall escheat*
51 *to the State of California as of the date of such acquiring,*
52 and it is hereby declared that any such share of stock or the

1 interest of any member in such a company, association or
 2 corporation so acquired in violation of the provisions of Sec-
 3 tion 3 of this act is an interest in real property. Such
 4 escheat shall be adjudged and enforced *against both the lessor*
 5 *and the lessee* in the same manner as is provided in this sec-
 6 tion for the escheat of a leasehold or other interest in real
 7 property less than the fee.

8 SEC. 4. Section 10a is added to said act, to read:

9 Sec. 10a. Any person who violates any of the provisions
 10 of this act shall be punishable by imprisonment in the county
 11 jail not to exceed one year or in the State penitentiary not
 12 exceeding two years, or by a fine not to exceed five thousand
 13 dollars (\$5,000), or both.

14 SEC. 4. Section 10b is added to said act, to read:

15 Sec. 10b. The Attorney General of the State of California
 16 or the district attorney of the proper county is hereby granted
 17 the power to institute in the name of the people of the State
 18 of California injunction proceedings to enjoin and restrain
 19 any and all persons from entering into any written or oral
 20 agreements in violation of the terms and provisions of this act,
 21 and said Attorney General or district attorney shall have the
 22 power to file such said injunction proceedings for the purpose
 23 of restraining and enjoining any person from operating or
 24 conducting farming and agricultural operations in violation of
 25 the terms and provisions of this act; all such said injunction
 26 proceedings shall be instituted in the superior court of the
 27 county in which the real property involved is situated. In so
 28 far as applicable said injunction proceedings shall be gov-
 29 erned by the terms and provisions of Part 2, Title 7, Chapter 3,
 30 of the Code of Civil Procedure of the State of California.

31 SEC. 6. Section 10c is added to said act, to read:

32 Sec. 10c. The Attorney General of the State of California
 33 and the district attorney of the proper county are hereby
 34 granted power to institute proceedings in the name of the
 35 people of the State of California under this act, in the superior
 36 court of the county in which the land involved is located, for
 37 the purpose of testing and determining by a civil action in a
 38 declaratory manner whether or not any agricultural land is
 39 being farmed or used under a contract written or oral in viola-
 40 tion of the terms and provisions of this act.

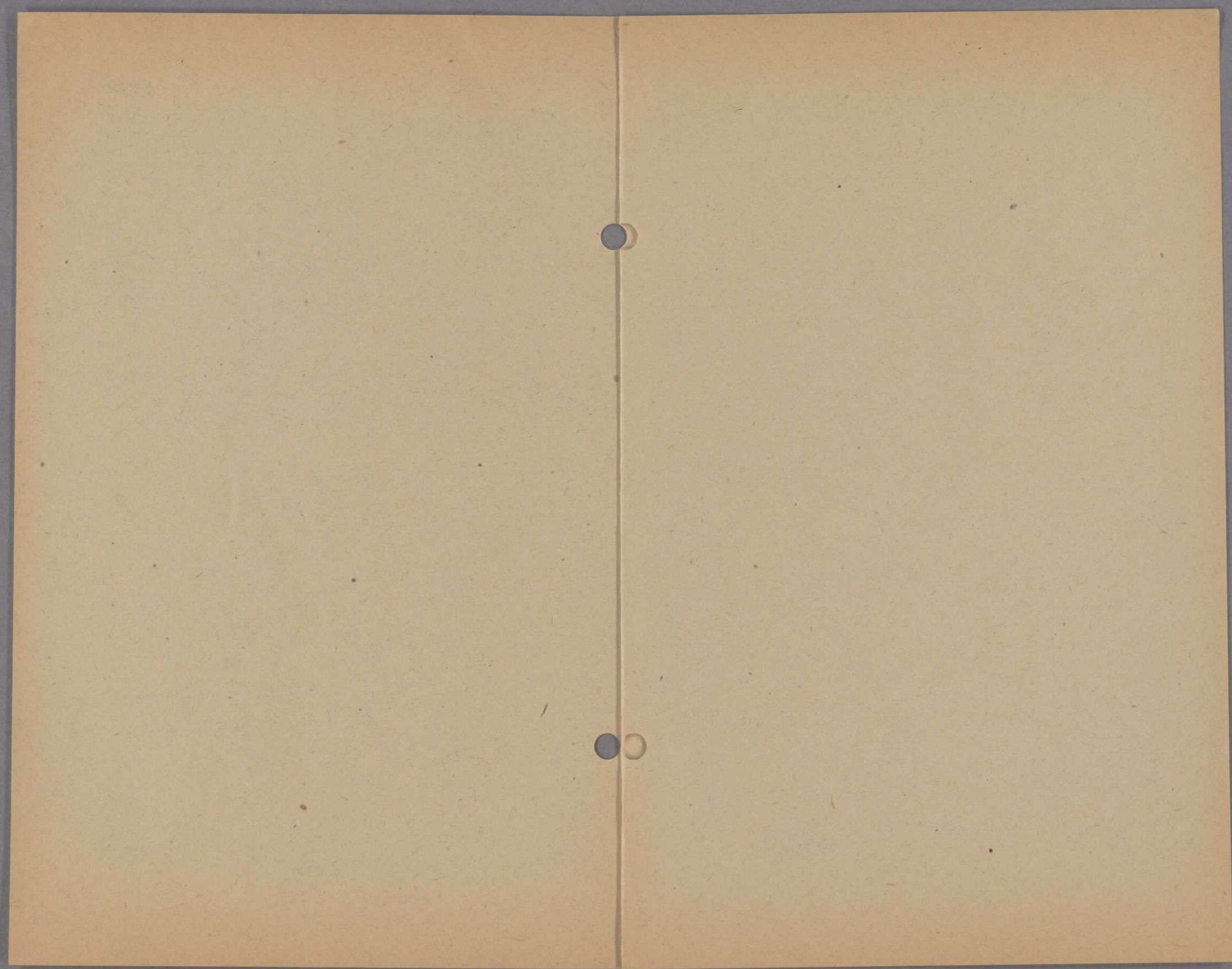
41 SEC. 7. Section 11a is added to said act, to read:

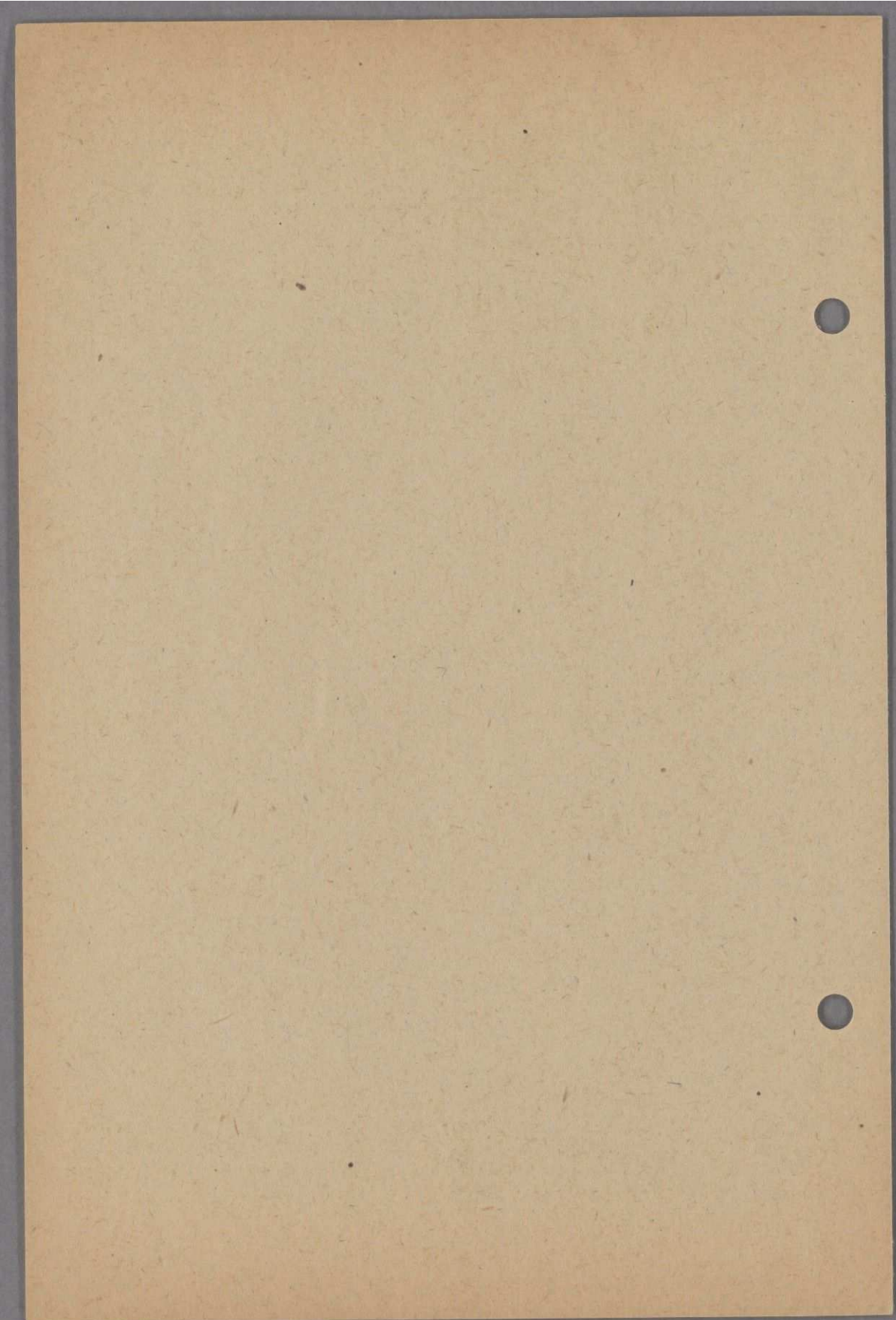
42 Sec. 11a. All leases, cropping agreements and any other
 43 agreements to acquire, possess, enjoy, use, cultivate, occupy
 44 and transfer real property for farming or agricultural pur-
 45 poses or to transfer in whole or in part the beneficial use of
 46 said lands when said lease agreements, cropping contracts or
 47 other contracts are made in the name of the wife or child of
 48 any alien mentioned in Section 2 of this act, or made in the
 49 name of any other person, shall be illegal and void and in vio-
 50 lation of the terms and provisions of this act where such said
 51 alien mentioned in Section 2 of this act is allowed to remain
 52 upon the land, farm and cultivate same and enjoy directly or

1 indirectly the beneficial use of such said agricultural lands or
 2 obtains or has a beneficial interest in or use of the proceeds
 3 received from the sale of the agricultural crops produced on
 4 said lands, and in all such cases all of said persons signing
 5 and entering into any such said agreements shall be guilty of
 6 violation of the terms and provisions of this act, and upon con-
 7 viction thereof shall be punished in the manner provided in
 8 Sections 10 and 10a hereof, and the Attorney General or the
 9 district attorney of the proper county shall have the power to
 10 institute injunction proceedings in the name of the people of
 11 the State of California against any and all such persons for
 12 the purpose of enjoining and restraining them from carrying
 13 on farming operations on any agricultural lands in the State
 14 of California, under the terms and provisions of any such said
 15 agreements, contracts, or leases, as hereinbefore provided.

16 SEC. 8. Section 12a is added to said act, to read:

17 Sec. 12a. No alien mentioned in Section 2 hereof shall own,
 18 lease, control or have, or enjoy the beneficial use thereof, or
 19 the proceeds received from the use or operation thereof, or any
 20 land in the State of California, including agricultural lands,
 21 city property or property used for agricultural purposes.





ASSEMBLY BILL

No. 27

INTRODUCED BY MESSRS. ROSENTHAL, BECK, HAWKINS,
McMILLAN, MASSION AND BENNETT

January 7, 1943

REFERRED TO COMMITTEE ON JUDICIARY

An act to amend Sections 51 and 52 of the Civil Code, pertaining to equal rights of citizens, to prevent discrimination and provide a penalty.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51 of the Civil Code is amended to
2 read:

3
4 51. All citizens within the jurisdiction of this State are
5 entitled to the full and equal accommodations, advantages,
6 facilities and privileges of inns, restaurants, hotels, eating
7 houses, places where ice cream or soft drinks of any kind
8 are sold for consumption on the premises, barber shops, bath
9 houses, theaters, skating rinks, public conveyances, and all
10 other places of public accommodation or amusement, subject
11 only to the conditions and limitations established by law, and
12 applicable alike to all citizens. No person, being the owner,
13 lessee, proprietor, manager, superintendent, agent, or
14 employee of any such place shall directly or indirectly refuse,
15 withhold from or deny to any person any of the accommo-
16 dations, advantages, facilities or privileges thereof, or directly
17 or indirectly publish, circulate, issue, display, post or mail
18 any written or printed communication, notice or advertise-
19 ment, to the effect that any of the accommodations, advan-
20 tages, facilities and privileges of any such place shall be
21 refused, withheld from or denied to any person on account of
22 race, creed or color, or that the patronage or custom thereat,
23 of any person belonging to or purporting to be of any par-
24 ticular race, creed or color is unwelcome, objectionable or not
25 acceptable, desired or solicited. The production of any such
26 written or printed communication, notice or advertisement,

purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent or manager thereof, shall be presumptive evidence in any civil or criminal action that the same was authorized by such person. A place of public accommodation, resort or amusement within the meaning of this section, shall be deemed to include inns, taverns, road houses, hotels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, or restaurants, or eating houses, or any place where food is sold for consumption on the premises; buffets, saloons, bar rooms, or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectioneries, soda fountains, and all stores where ice cream and fruit preparations or their derivatives, or beverages of any kind are retailed for consumption on the premises; retail stores and establishments, dispensaries, clinics, hospitals, bathhouses, barber shops, beauty parlors, theaters, motion picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses, and all educational institutions under the supervision of The Regents of the University of California; and any public library, kindergarten, primary and secondary school, academy, college, university, professional school, extension course, or other educational facility, supported in whole or in part by public funds or by contributions solicited from the general public; garages, all public conveyances operated on land or water, as well as the stations and terminals thereof; public halls and public elevators of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants. Nothing herein contained shall be construed to include any institution, club, or place of accommodation which is in its nature distinctly private, or to prohibit the mailing of a private communication in writing sent in response to a specific written inquiry.

No institution, club, organization or place of accommodation which sponsors or conducts any amateur athletic contest or sparring exhibition and advertises or bills such contest or exhibition as a California State championship contest or uses the words "California State" in its announcements shall be deemed a private exhibition within the meaning of this section.

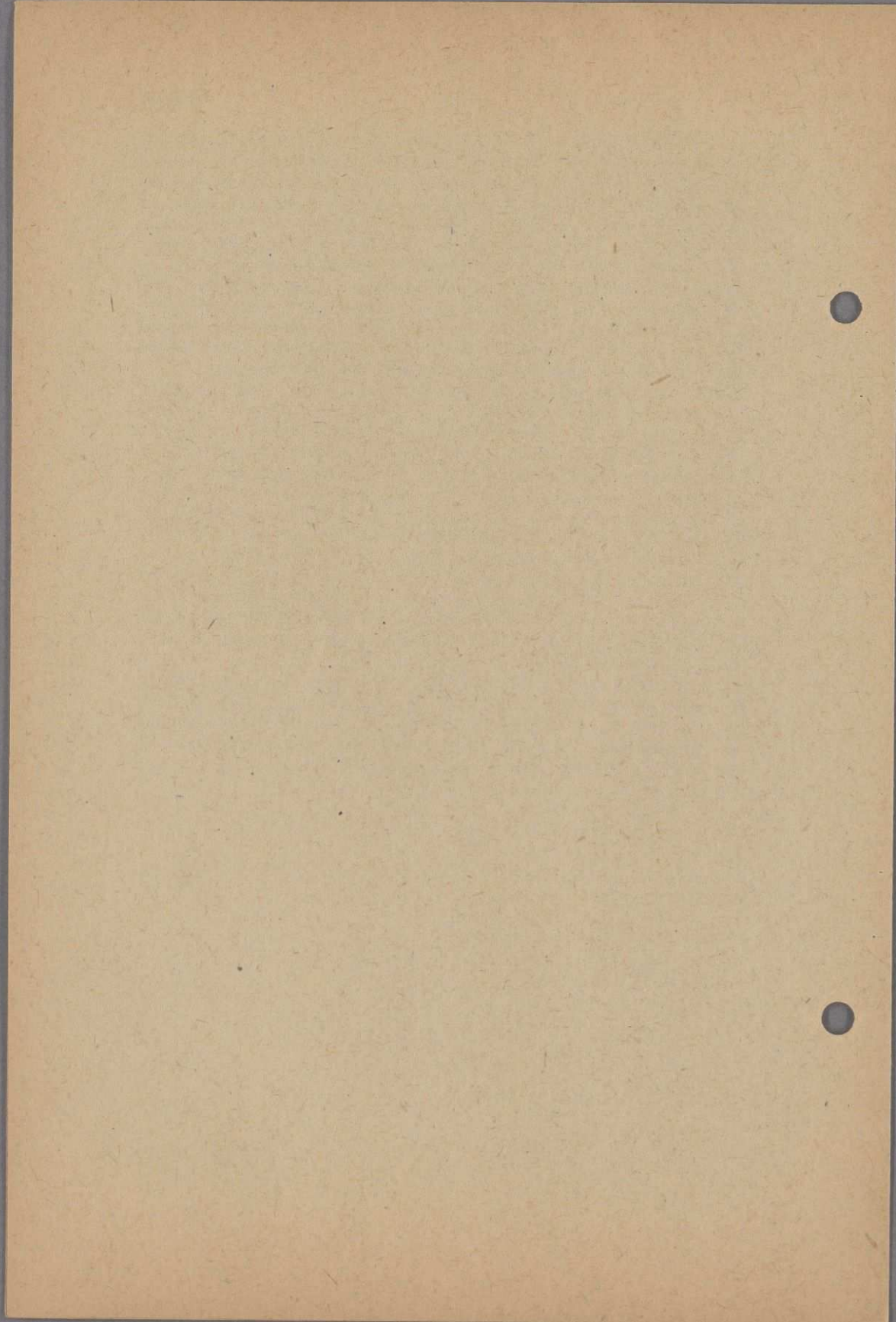
SEC. 2. Section 52 of the Civil Code is amended to read:

52. Whoever denies to any citizen, except for reasons applicable alike to every race or color, the full accommodations, advantages, facilities, and privileges enumerated in Section 51 of this code, or who aids, or incites, such denial, or whoever makes any discrimination, distinction or restriction on ac-

count of color or race, or except for good cause, applicable alike to citizens of every color or race whatsoever, in respect to the admission of any citizen to, or his treatment in, any inn, hotel, restaurant, eating house, place where ice cream or soft drinks of any kind are sold for consumption on the premises, barber shop, bath house, theater, skating rink, public conveyance, or other public place of amusement or accommodation, whether such place is licensed or not, or whoever aids or incites such discrimination, distinction or restriction, for each and every such offense is liable in damages in an amount not less than one hundred dollars (\$100), which may be recovered in an action at law brought for that purpose.

Any person who or any agency, bureau, corporation or association, business trust, or any organized group of persons acting directly or indirectly in the interest of an employer in its relation to employees which shall violate any of the provisions of Section 51 of the Civil Code, or who shall aid or incite the violation of any of the provisions of such section shall for each and every violation thereof be liable to a penalty of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), to be recovered by the person aggrieved thereby; and such person and the manager or owner of or each officer of such agency, bureau, corporation or association, or person acting in his behalf, as the case may be shall, for every such offense be deemed guilty of a misdemeanor.

SEC. 3. If any provision of this act, or the application of such provision to any person or circumstance shall be held invalid, the remainder of this act, or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.



INTRODUCED BY MESSRS. ROSENTHAL, BENNETT AND
HAWKINS

January 7, 1943

REFERRED TO COMMITTEE ON LABOR AND CAPITAL

An act to add Sections 2751, 2805, 2806, and 2807 to the Labor Code, relating to employment, to prevent discrimination and provide a penalty.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2751 is added to the Labor Code, to
2 read:

3
4 2751. As used in this chapter "employer" is one who
5 employs, or one who uses or engages the services of another
6 person, and includes any individual, corporation, association,
7 partnership, business trust, legal representative, or any organ-
8 ized group of persons acting directly or indirectly in the
9 interest of an employer in its relations to employees.

10 "Industry" as used herein refers to any trade, business
11 industry or branch thereof, or group of industries, in which
12 individuals are employed. The provisions of Sections 2805
13 and 2806 do not apply to motion picture companies, theatrical
14 agencies, casting offices for actor or actress personnel or reli-
15 gious institutions of either a private or eleemosynary nature.

16
17 SEC. 2. Section 2805 is added to the Labor Code, to read:

18
19 2805. It shall be unlawful for any person, firm or corpo-
20 ration within the jurisdiction of this State, anywise engaged
21 in the production, manufacture or distribution of military or
22 naval material, equipment or supplies for the State of Cali-
23 fornia or for the United States Government to refuse to employ
24 any person in any capacity on account of the race, color or
25 creed, or sex, of such person.

1 SEC. 3. Section 2806 is added to the Labor Code, to read:

2
3 2806. Any employer or person who, or corporation, asso-
4 ciation, partnership, business trust, or any organized group
5 of persons acting directly or indirectly in the interest of an
6 employer in its relation to employees, excludes a citizen by
7 reason of race, color, creed or sex, from any public employ-
8 ment in any capacity, in industries engaged on defense con-
9 tracts, or denies, or aids or incites another to deny, to any
10 person, because of race, color, creed or sex, public employment
11 or employment in any capacity in industries engaged on
12 defense contracts, shall be guilty of a misdemeanor.

13
14 SEC. 4. Section 2807 is added to the Labor Code, to read:

15
16 2807. The Department of Industrial Relations shall enforce
17 the provisions of Sections 2805 and 2806 of this code. For
18 this purpose it may use the powers of administration, investi-
19 gation, subpoena, and hearings invested in it under this code;
20 it may require submission at regular intervals or otherwise
21 of information, records, reports pertinent to discriminatory
22 practices in industries.

23
24 SEC. 5. If any provision of this act, or the application of
25 such provision to any person or circumstance shall be held
26 invalid, the remainder of this act, or the application of such
27 provisions to persons or circumstances other than those to
28 which it is held invalid, shall not be affected thereby.

ASSEMBLY BILL

No. 42

INTRODUCED BY MRS. NIEHOUSE AND MR. EVANS

January 7, 1943

REFERRED TO COMMITTEE ON JUDICIARY

An act to add Section 2805 to the Labor Code, relating to discrimination in employment, and providing a penalty.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2805 is added to the Labor Code, to
2 read:
3
4 2805. It is a misdemeanor for any employer to discriminate
5 in the employment or hiring of employees because of race,
6 color or sex, except as to persons who are enemy aliens or the
7 children of enemy aliens.

ASSEMBLY BILL

No. 50

INTRODUCED BY MR. HAWKINS

January 7, 1943

REFERRED TO COMMITTEE ON LABOR AND CAPITAL

An act to add Section 2806 to the Labor Code, relating to discrimination.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2806 is added to the Labor Code, to
2 read:
3
4 2806. Any person, who, directly or indirectly excludes a
5 citizen because of race, color, or creed from any public employ-
6 ment, or employment in any capacity in industries engaged on
7 defense contracts, shall be guilty of a misdemeanor and pun-
8 ishable by a fine of not less than one hundred dollars (\$100).

INTRODUCED BY MESSRS. ERWIN, FOURT, PRICE, LEONARD,
STREAM, MILLER, ROBERTSON, AND BASHORE

January 15, 1943

REFERRED TO COMMITTEE ON JUDICIARY

An act to amend Sections 1, 3 and 8 and to repeal Section 4 of, and to add Sections 4, 10a, 10b, 10c, 11a, and 12a to, an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing the penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith." Approved by the electorate November 2, 1920, relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to contracts for the use, leasehold or other interest in real property less than the fee, including cropping contracts, providing for escheats in certain cases, prescribing the procedure therein, defining the powers and duties of the Attorney General or the district attorney of the proper county in reference thereto, providing as to the duties, powers and authority of any alien appointed by any court as guardian of his native born minor child or children, or as guardian of any other person, or persons, and prescribing the procedure in such cases, and to provide a penalty.

The people of the State of California do enact as follows:

- 1 SECTION 1. All aliens eligible to citizenship under the laws
2 of the United States may acquire, possess, enjoy, transmit
3 and inherit real property, or any interest therein, in this State,
4 ~~in the same manner and to the same extent as citizens of the~~
5 ~~United States, except only as provided by the laws of this~~
6 State.

1 SEC. 2. Section 3 of said act is amended to read:

2 Sec. 3. All aliens, and all corporations not organized under
3 the laws of the State of California, are hereby prohibited
4 from acquiring title to or taking or holding any land or real
5 estate, or any leasehold interest extending for a period of more
6 than (-----) years or any other greater interest less than
7 fee in any land or real estate in this State by descent, devise,
8 purchase or otherwise, (only as hereinafter provided,) except
9 that the widow and heirs of aliens who have prior to December
10 1941, acquired land in this State under the laws thereof may
11 hold such land by devise or descent for a period of 10 years
12 and no longer, if at the end of such time herein limited such
13 lands so acquired have not been sold to a bona fide purchaser
14 for value such lands or other interest therein shall revert
15 and escheat to the State of California; and it shall be the
16 duty of the Attorney General and the district attorney in the
17 county where such lands are situated to enforce forfeitures
18 of all such lands as provided by this act. Any resident alien
19 may acquire title to lands in this State by devise or descent
20 only, provided such alien shall be required to sell and convey
21 said real property within five years from the date of acquiring
22 the same and if he shall fail to dispose of the same to a
23 bona fide purchaser for value within that time said land and
24 property shall revert and escheat to the State of California.
25 ~~Any~~ No company, association or corporation organized under
26 the laws of this State or any other State or nation, doing business
27 in this State, which were organized to hold, or are holding
28 real estate, except real estate necessary for the construction
29 and operation of railroads or public utilities or real estate
30 necessary for the purpose of erecting and maintaining manufacturing
31 establishments or real estate lying within the corporate
32 limits of cities and towns shall elect aliens as members
33 of its board of directors, or board of trustees in sufficient
34 number to constitute a majority of such board, nor elect aliens
35 as executive officers or managers, nor shall allow or permit
36 a majority of its issued capital stock to be owned by aliens;
37 any such corporation violating the provisions of this section
38 shall be construed to be an alien and within the provisions of
39 this act applicable to alien persons. Any such domestic corporation
40 or association violating the provisions of this section
41 shall forfeit their charter and be dissolved. Any such foreign
42 corporation or association violating the provisions of this act
43 shall forfeit its right to do business in this State; of which
44 the majority of the members are aliens other than those
45 specified in Section 1 of this act, or in which a majority of
46 the issued capital stock is owned by such aliens; may acquire,
47 possess, enjoy and convey real property, or any interest
48 therein, in this State, in the manner and to the extent and
49 for the purposes prescribed by any treaty now existing between
50 the Government of the United States and the nation or country
51 of which such members or stockholders are citizens or
52 subjects, and not otherwise. Hereafter all aliens other than

1 those specified in Section 1 hereof may become members of or
2 acquire shares of stock in any company, association or corporation
3 that is or may be authorized to acquire, possess, enjoy
4 or convey agricultural land, in the manner and to the extent
5 and for the purpose prescribed by any treaty now existing
6 between the Government of the United States and the nation
7 or country of which such alien is a citizen or subject, and
8 not otherwise.

9 SEC. 3. Section 4 of the act cited in the title is repealed.

10 SEC. 4. Section 4 is added to said act, to read:

11 Sec. 4. Whenever any alien mentioned in Section 2 of this
12 act is appointed by any court as a guardian of any person it
13 shall be unlawful for such alien guardian to farm, operate or
14 manage any real property held by the guardianship estate,
15 except solely for the use and benefit of the ward or wards of
16 such estate, or to enjoy, possess, or have, in whole or in part,
17 the beneficial use of any real property held, possessed, or
18 which belongs to such guardianship estate, nor shall the alien
19 guardian have or enjoy or receive directly or indirectly the
20 beneficial use of such real property or the proceeds received
21 from the sale of any crops produced, grown or raised thereon.
22 It is the intent of this act that no alien mentioned in Section 2
23 hereof shall by any guardianship proceedings whatsoever evade
24 or violate or seek to evade or violate any of the provisions of
25 this act.

26 In all such guardianship estates, the alien guardian must
27 make a monthly report to the court in which the guardianship
28 estate is pending, showing in detail and supported by receipts,
29 all money disbursed, expended and paid out by the alien
30 guardian, to whom same was paid, for what purpose, and the
31 date of such disbursements or payments. The monthly report
32 shall also show all money received, from whom received, for
33 what purpose received, and the date of the receipt thereof.
34 Failure on the part of the alien guardian so to do constitutes
35 a direct violation of this act, for which guardian may be prosecuted
36 and punished as set forth in Sections 10 and 10a of
37 this act.

38 The alien guardian shall include in such monthly reports
39 such other matters and items as the court may require in
40 order to facilitate the enforcement of this act. The alien
41 guardian is under the absolute jurisdiction and control of the
42 court at all times, and the court may from time to time require
43 the alien guardian to make special reports on any matter pertaining
44 to the guardianship estate. The court may also require
45 the ward of any such guardianship estate to be produced in
46 court whenever the court deems such procedure necessary and
47 proper for the protection of the guardianship estate. A ward
48 of any such guardianship estate shall not leave the State of
49 California without first obtaining the written permission of
50 the court so to do.

51 The court may fix the compensation of the alien guardian at
52 such amount as the court may determine, but not in excess of

1 the actual and necessary expenses of alien guardian in the
2 performance of his duties. The court shall also fix the amount
3 of bond to be given by the alien guardian. The court shall
4 also fix and determine the amount of attorney's fees in all
5 such guardianship matters. In no event shall attorney's fees
6 exceed the sum of one hundred fifty dollars (\$150) per
7 annum.

8 Whenever any alien guardian shall fail, neglect or refuse to
9 comply with any provision of this act, he may be removed as
10 guardian of the estate by the court, if the court finds such
11 removal to be for the best interests of the estate.

12 The court shall require a final account to be filed on behalf
13 of any such guardianship estate at the time the ward attains
14 the age of majority. If there is more than one ward of the
15 estate, a final account shall be filed as to each ward at the
16 time he attains the age of majority. Such final account must
17 be prepared and filed by the alien guardian and must contain
18 in detail a full and complete accounting of all property, both
19 real and personal, belonging to the estate, all money disbursed
20 and paid out on account of the estate and all money received
21 on account thereof. The court may also require such other
22 matters to be included in the report as the court may deem to
23 be necessary and proper. No such guardianship estate shall
24 be finally closed until the final report is filed and approved by
25 the court.

26 SEC. 5. Section 8 of said act is amended to read:

27 Sec. 8. Any leasehold or other interest in real property
28 less than the fee, including cropping contracts which are
29 hereby declared to constitute an interest in real property less
30 than the fee, hereafter *created or acquired* in violation of the
31 provisions of this act by any *landlord or owner of land or any*
32 *alien mentioned in Section 2 of this act, or by any company,*
33 *association or corporation mentioned in Section 3 of this act,*
34 *shall escheat to the State of California, as of the date of such*
35 *creation or acquisition in violation of the provisions of this*
36 *act. The Attorney General or the district attorney of the*
37 *proper county shall institute proceedings against both the*
38 *landlord or owner of the land and the alien mentioned in*
39 *Section 2 or any company, association or corporation men-*
40 *tioned in Section 3 of this act, to have such escheat adjudged*
41 *and enforced in the same manner as is provided in Section 7*
42 *of this act. In such proceedings the court shall determine and*
43 *adjudge the value of such leasehold or other interest in such*
44 *real property, including both the landlord's interest and the*
45 *interest of the lessee, as of the date of such creation or acqui-*
46 *tion in violation of the provisions of this act, and enter judg-*
47 *ment for the State for the amount thereof together with costs.*
48 *The said judgment so entered is a lien against the real prop-*
49 *erty in which such leasehold or other interest less than the*
50 *fee is so created or acquired in violation of the provisions of*
51 *this act, which lien shall exist as of the date of such unlawful*
52 *creation or acquisition. Thereupon the court shall order a*

1 sale of the real property covered by such leasehold, or other
2 interest, in the manner provided by Section 1271 of the Code
3 of Civil Procedure. Out of the proceeds arising from such
4 sale, the amount of the judgment rendered for the State shall
5 be paid into the State Treasury *to the credit of the Alien*
6 *Escheat Fund, which fund is hereby created,* and the balance
7 shall be deposited with and distributed by the court in accord-
8 ance with the interest of the parties therein.

9 Any share of stock or the interest of any member in a com-
10 pany, association or corporation hereafter acquired in viola-
11 tion of the provisions of Section 3 of this act shall escheat to
12 the State of California as of the date of such acquiring ~~in~~
13 ~~violation of the provisions of said section three of this act,~~
14 and it is hereby declared that any such share of stock or the
15 interest of any member in such a company, association or
16 corporation so acquired in violation of the provisions of Sec-
17 tion 3 of this act is an interest in real property. Such escheat
18 shall be adjudged and enforced *against both the lessor and*
19 *the lessee* in the same manner as is provided in this section
20 for the escheat of a leasehold or other interest in real property
21 less than the fee.

22 *The money in Alien Escheat Fund is hereby appropriated*
23 *to pay the costs and expenses of the county in which the case*
24 *is tried in preparing and prosecuting such escheat cause, as*
25 *fixed by the court and upon approval by the Director of*
26 *Finance.*

27 SEC. 6. Section 10a is added to said act to read:

28 Sec. 10a. Any person who violates any of the provisions
29 of this act shall be punishable by imprisonment in the county
30 jail not to exceed one year or in the State Penitentiary not
31 exceeding two years, or by a fine not to exceed five thousand
32 dollars (\$5,000), or both.

33 SEC. 7. Section 10b is added to said act to read:

34 Sec. 10b. The Attorney General of the State of California
35 and the district attorney of the proper county are hereby
36 granted the power to institute in the name of the people of
37 the State of California injunction proceedings to enjoin and
38 restrain any and all persons from entering into any written
39 or oral agreements in violation of the terms and provisions of
40 this act, and the Attorney General or district attorney may
41 file injunction proceedings for the purpose of restraining and
42 enjoining any person from operating or conducting farming
43 and agricultural operations in violation of the terms and pro-
44 visions of this act; all such injunction proceeding shall be
45 instituted in the superior court of the county in which all or
46 any part of the real property involved is situated. Insofar
47 as applicable, injunction proceedings shall be governed by the
48 terms and provisions of Part 2, Title 7, Chapter 3, of the
49 Code of Civil Procedure of the State of California.

50 SEC. 8. Section 10c is added to said act to read:

51 Sec. 10c. The Attorney General of the State of California
52 and the district attorney of the proper county are hereby

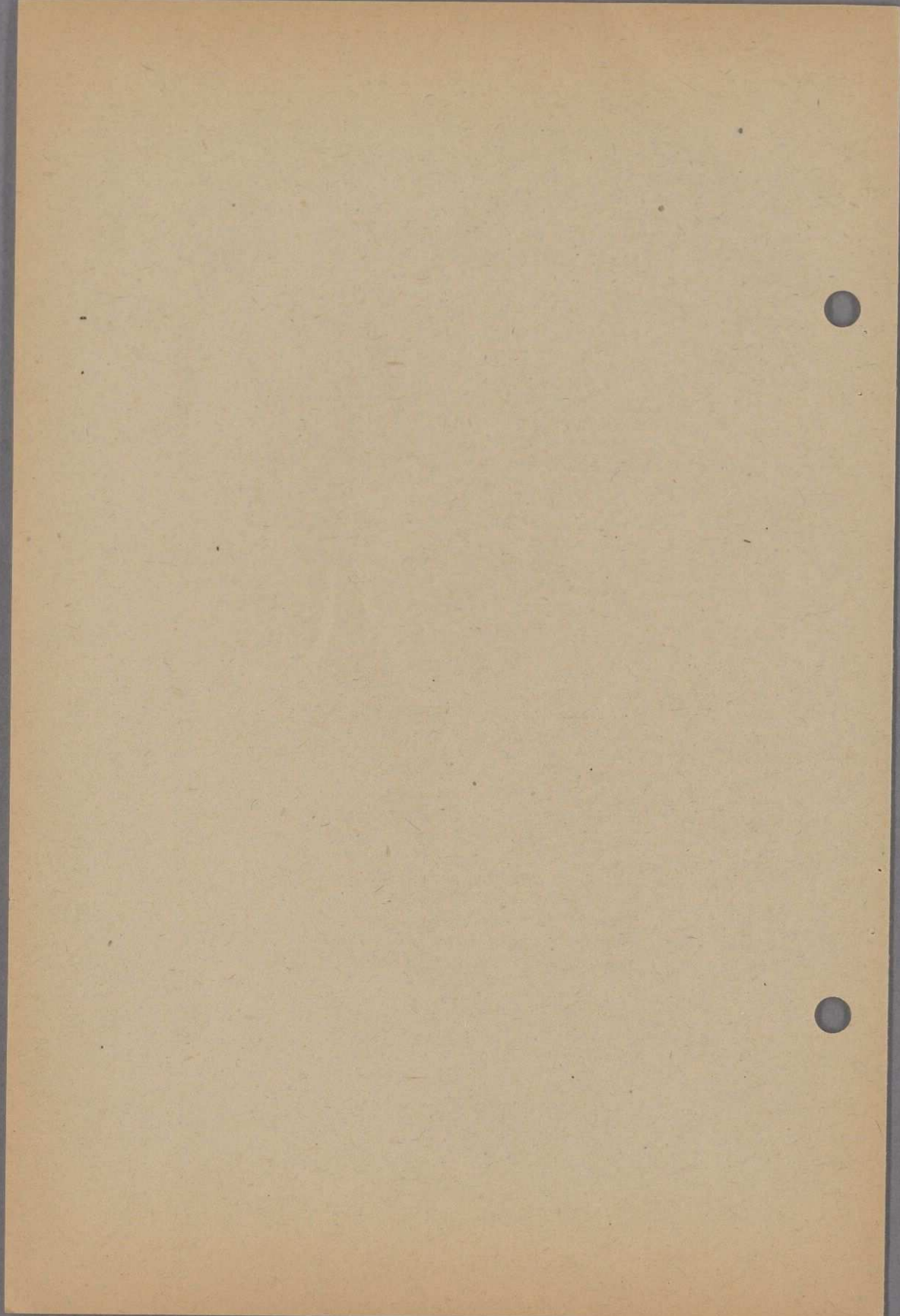
1 granted power to institute proceedings in the name of the
2 people of the State of California under this act, in the superior
3 court of the county in which all or any part of the real prop-
4 erty involved is situated, for the purpose of testing and deter-
5 mining by a civil action in a declaratory manner whether or
6 not any real property is being farmed or used under a contract
7 written or oral in violation of the terms and provisions of
8 this act.

9 SEC. 9. Section 11a is added to said act to read:

10 Sec. 11a. All leases, cropping agreements and any other
11 agreements to acquire, possess, enjoy, use, cultivate, occupy
12 and transfer real property for farming or agricultural pur-
13 poses or to transfer in whole or in part the beneficial use of
14 real property when such lease agreements, cropping contracts
15 or other contracts are made in the name of any person, shall
16 be illegal and void and in violation of the terms and pro-
17 visions of this act where any alien mentioned in Section 2
18 or any company, association or corporation mentioned in
19 Section 3 of this act is allowed to remain upon such real
20 property, farm and cultivate same and enjoy directly or indi-
21 rectly the beneficial use of such real property or obtains or
22 has a beneficial interest in or use of the proceeds received from
23 the sale of the agricultural crops produced on such real prop-
24 erty, and in all such cases all persons signing and entering
25 into any such agreements shall be guilty of violation of the
26 terms and provisions of this act, and upon conviction thereof
27 shall be punished in the manner provided in Sections 10 and
28 10a of this act, and the Attorney General or the district attor-
29 ney of the proper county shall have the power to institute
30 injunction proceedings in the name of the people of the State
31 of California against any and all such persons for the purpose
32 of enjoining and restraining them from carrying on farming
33 operations on any real property in the State of California,
34 under the terms and provisions of any such agreements, con-
35 tracts, or leases, as hereinbefore provided.

36 SEC. 10. Section 12a is added to said act to read:

37 Sec. 12a. No alien mentioned in Section 2 and no com-
38 pany, association or corporation mentioned in Section 3
39 of this act shall own, lease, control or have, or enjoy the
40 beneficial use of the proceeds received from the use or opera-
41 tion of any real property in the State of California.



INTRODUCED BY MESSRS. ERWIN, FOURT, ARMSTRONG,
GUTHRIE, STREAM, AND WATSON

January 26, 1943

REFERRED TO COMMITTEE ON JUDICIARY

An act to amend Sections 1, 2, 3, 4, and 8, and to add Sections 10a, 10b, 10c, 11a, 13, 14, and 15 to, an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing the penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by the people November 2, 1920, as amended, relating to the status, rights and disabilities of aliens, and providing penalties for violation of the provisions hereof.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1 of the act cited in the title hereof is
2 amended to read:

3 Section 1. All aliens eligible to citizenship under the laws
4 of the United States may acquire, possess, enjoy, transmit
5 and inherit real property, or any interest therein, in this State,
6 and have in whole or in part the beneficial use thereof, in the
7 same manner and to the same extent as citizens of the United
8 States, except as otherwise provided by the laws of this State,
9 subject, however, to the provisions of any applicable treaty
10 that may be entered into by the United States and to the para-
11 mount authority of Congress pursuant to provisions of the
12 Constitution of the United States.

13 SEC. 2. Section 2 of said act is amended to read:

14 Sec. 2. Any alien ineligible to citizenship in the United
15 States and any person of dual citizenship may acquire, possess,

1 enjoy, use, cultivate, occupy and transfer real property, or any
2 interest therein, in this State, and have in whole or in part
3 the beneficial use thereof in the manner and to the extent, and
4 for the purposes prescribed by any treaty now existing that
5 may be entered into between the United States and the nation
6 or country of which such alien or person is a citizen or subject
7 and not otherwise.

8 SEC. 3. Section 3 of said act is amended to read:

9 Sec. 3. Any company, association or corporation organized
10 under the laws of this or any other state or nation, of
11 which a majority of the members are aliens other than those
12 specified in section one of this act, or in which a majority of
13 the issued capital stock is owned by such aliens, may acquire,
14 possess, enjoy, use, cultivate, occupy and transfer real prop-
15 erty, or any interest therein, in this state, and have in whole
16 or in part the beneficial use thereof, in the manner and to
17 the extent and for the purposes prescribed by any treaty now
18 existing between the government of the United States and
19 the nation or country of which such members or stockholders
20 are citizens or subjects, and not otherwise. Hereafter all
21 aliens other than those specified in section one hereof may
22 become members of or acquire shares of stock in any company,
23 association or corporation that is or may be authorized to
24 acquire, possess, enjoy, use, cultivate, occupy and transfer real
25 property, or any interest therein, in this state, in the manner
26 and to the extent and for the purposes prescribed by any
27 treaty now existing between the government of the United
28 States and the nation or country of which such alien is a
29 citizen or subject, and not otherwise.

30 Sec. 3. The word "alien" as used in this section shall be
31 construed to mean an alien ineligible to citizenship in the
32 United States and a person of dual citizenship. All aliens,
33 and all corporations not organized or authorized to do business
34 under the laws of the State of California, are hereby pro-
35 hibited from acquiring title to or taking or holding any land
36 or real estate, or any leasehold interest extending for a period
37 of more than (-----) years or any other greater interest
38 less than fee in any land or real estate in this State by descent,
39 devise, purchase or otherwise, (only as hereinafter provided),
40 except that the widow and heirs of such persons who have
41 prior to December, 1941, acquired land in this State under
42 the laws thereof may hold such land by devise or descent for
43 a period of 10 years and no longer. The provisions of this
44 section shall be enforced only in so far as they are not in con-
45 flict with provisions of any applicable treaty which may be
46 entered into by the United States.

47 If at the end of such time herein limited such lands so
48 acquired have not been sold to a bona fide purchaser for value
49 such lands or other interest therein shall revert and escheat
50 to the State of California; and it shall be the duty of the

1 Attorney General and the district attorney in the county
2 where such lands are situated to enforce forfeitures of all such
3 lands as provided by this act. Any resident alien may acquire
4 title to lands in this State by devise or descent only; provided,
5 such alien shall be required to sell and convey said real prop-
6 erty within five years from the date of acquiring the same and
7 if he shall fail to dispose of the same to a bona fide purchaser
8 for value within that time said land and property shall revert
9 and escheat to the State of California. No company, associ-
10 ation or corporation organized under the laws of this State
11 or any other State or nation, doing business in this State,
12 which were organized to hold, or are holding real estate,
13 except real estate necessary for the construction and operation
14 of railroads or public utilities or real estate necessary for the
15 purpose of erecting and maintaining manufacturing establish-
16 ments or real estate lying within the corporate limits of cities
17 and towns shall elect aliens as members of its board of direc-
18 tors, or board of trustees in sufficient number to constitute a
19 majority of such board, nor elect aliens as executive officers
20 or managers, nor shall allow or permit a majority of its issued
21 capital stock to be owned by aliens. Any such domestic cor-
22 poration or association violating the provisions of this section
23 shall forfeit its charter and be dissolved. Any such foreign
24 corporation or association violating the provisions of this act
25 shall forfeit its right to do business in this State.

26 SEC. 4. Section 4 of said act is hereby amended to read:

27 Sec. 4. From and after the taking effect of this act no
28 alien not eligible to citizenship in the United States and no
29 person claiming dual citizenship, and no company, association
30 or corporation of which a majority of the members are persons
31 of that description, or in which a majority of the capital stock
32 is owned by such persons, may be appointed guardian of any
33 estate which consists in whole or in part of real property.

34 Whenever any alien not eligible to citizenship or person
35 claiming a dual citizenship is appointed by any court as a
36 guardian of any person it shall be unlawful for such guardian
37 to farm, operate or manage any real property held by the
38 guardianship estate. Hereafter no alien mentioned in Section
39 2 hereof and no company, association or corporation men-
40 tioned in Section 3 hereof, may be appointed guardian of
41 that portion of the estate of a minor which consists of prop-
42 erty which such alien is inhibited from acquiring, possession,
43 enjoying, using, cultivating, occupying, transferring, trans-
44 mitting, or inheriting, or which such company, association or
45 corporation is inhibited from acquiring, possession, enjoying,
46 using, cultivating, occupying or transferring, by reason of the
47 provisions of this act. The public administrator of the proper
48 county, or any other competent person or corporation, may be
49 appointed guardian of the estate of a minor citizen whose
50 parents are ineligible to appointment under the provisions of
51 this section.

1 On such notice to the guardian as the court may require,
2 the superior court may remove the guardian of such an estate
3 whenever it appears to the satisfaction of the court:

4 (a) That the guardian has failed to file the report required
5 by the provisions of Section 5 hereof; or

6 (b) That the property of the ward has not been or is not
7 being administered with due regard to the primary interest of
8 the ward; or

9 (c) That facts exist which would make the guardian ineli-
10 gible to appointment in the first instance; or

11 (d) That facts establishing any other legal ground for
12 removal exist.

13 SEC. 5. Section 8 of said act is amended to read:

14 Sec. 8. Any leasehold or other interest in real property
15 less than the fee, including cropping contracts which are
16 hereby declared to constitute an interest in real property less
17 than the fee, hereafter created or acquired in violation of the
18 provisions of this act by any *landlord or owner of land* or any
19 alien mentioned in Section 2 of this act, or by any company,
20 association or corporation mentioned in Section 3 of this act,
21 shall escheat to the State of California, as of the date of such
22 *creation or acquisition* in violation of the provisions of this act.
23 The Attorney General or the district attorney of the proper
24 county shall institute proceedings *against both the landlord or*
25 *owner of the land and the alien mentioned in Section 2 or any*
26 *company, association or corporation mentioned in Section 3 of*
27 *this act*, to have such escheat adjudged and enforced in the
28 same manner as is provided in Section 7 of this act. In such
29 proceedings the court shall determine and adjudge the value
30 of such leasehold or other interest in such real property,
31 *including both the landlord's interest and the interest of the*
32 *lessee*, as of the date of such *creation or acquisition* in violation
33 of the provisions of this act, and enter judgment for the State
34 for the amount thereof together with costs. The said judg-
35 ment so entered is a lien against the real property in which
36 such leasehold or other interest less than the fee is so *created*
37 *or acquired* in violation of the provisions of this act, which
38 lien shall exist as of the date of such unlawful *creation or*
39 *acquisition*. Thereupon the court shall order a sale of the
40 real property covered by such leasehold, or other interest, in
41 the manner provided by Section 1271 of the Code of Civil
42 Procedure. Out of the proceeds arising from such sale, the
43 amount of the judgment rendered for the State shall be paid
44 into the State Treasury *to the credit of the Alien Escheat*
45 *Fund, which fund is hereby created*, and the balance shall be
46 deposited with and distributed by the court in accordance
47 with the interest of the parties therein.

48 Any share of stock or the interest of any member in a
49 company, association or corporation hereafter acquired in
50 violation of the provisions of Section 3 of this act shall escheat

1 to the State of California as of the date of such acquiring
2 ~~in violation of the provisions of said section three of this act,~~
3 and it is hereby declared that any such share of stock or the
4 interest of any member in such a company, association or
5 corporation so acquired in violation of the provisions of Sec-
6 tion 3 of this act is an interest in real property. Such escheat
7 shall be adjudged and enforced *against both the lessor and*
8 *the lessee* in the same manner as is provided in this section
9 for the escheat of a leasehold or other interest in real prop-
10 erty less than the fee.

11 *So much of the money in the Alien Escheat Fund as may*
12 *be necessary is hereby appropriated to pay the costs and*
13 *expenses of the county in which the case is tried in preparing*
14 *and prosecuting such escheat cause, as fixed by the court and*
15 *upon approval by the Director of Finance.*

16 SEC. 6. Section 10a is added to said act, to read:

17 *Sec. 10a. Any person who violates any of the provisions of*
18 *this act shall be punishable by imprisonment in the county*
19 *jail not to exceed one year or a State prison not exceeding*
20 *two years, or by a fine not to exceed five thousand dollars*
21 *(\$5,000), or both.*

22 SEC. 7. Section 10b is added to said act, to read:

23 *Sec. 10b. The Attorney General of the State of California*
24 *or the district attorney of the proper county, after obtaining*
25 *the approval of the Attorney General, may institute in the*
26 *name of the people of the State of California injunction pro-*
27 *ceedings to enjoin and restrain any and all persons from*
28 *entering into any written or oral agreements in violation of*
29 *the terms and provisions of this act, and the Attorney Gen-*
30 *eral or district attorney may file injunction proceedings for*
31 *the purpose of restraining and enjoining any person from*
32 *operation or conducting farming and agricultural operations*
33 *in violation of the terms and provisions of this act; all such*
34 *injunction proceeding shall be instituted in the superior court*
35 *of the county in which all or any part of the real property*
36 *involved is situated. In so far as applicable, injunction pro-*
37 *ceedings shall be governed by the terms and provisions of*
38 *Part 2, Title 7, Chapter 3, of the Code of Civil Procedure of*
39 *the State of California.*

40 SEC. 8. Section 10c is added to said act, to read:

41 *Sec. 10c. The Attorney General of the State of California*
42 *or the district attorney of the proper county, with the*
43 *approval of the Attorney General may institute proceedings*
44 *in the name of the people of the State of California under*
45 *this act, in the superior court of the county in which all or*
46 *any part of the real property involved is situated, for the*
47 *purpose of testing and determining by a civil action in a*
48 *declaratory manner whether or not any real property is being*
49 *farmed or used under a contract written or oral in violation*
50 *of the terms and provisions of this act.*

1 SEC. 9. Section 11a is added to said act, to read:

2 *Sec. 11a. All leases, cropping agreements and any other*
3 *agreements to acquire, possess, enjoy, use, cultivate, occupy and*
4 *transfer real property for farming or agricultural purposes*
5 *or to transfer in whole or in part the beneficial use of such*
6 *real property shall be illegal and void and in violation of the*
7 *terms and provisions of this act where any alien ineligible*
8 *to citizenship in the United States or person of dual citizenship*
9 *or any company, association or corporation mentioned in*
10 *Section 3 of this act is allowed to remain upon such real prop-*
11 *erty, farm and cultivate same and enjoy directly or indirectly*
12 *the beneficial use of such real property, or obtains or has a*
13 *beneficial interest in or use of the proceeds received from the*
14 *sale of the crops produced on such real property. In all such*
15 *cases all persons signing and entering into any such agree-*
16 *ments shall be guilty of violation of the terms and provisions*
17 *of this act, and upon conviction thereof shall be punished in*
18 *the manner provided in Section 10 of this act. The Attorney*
19 *General or the district attorney of the proper county with the*
20 *approval of the Attorney General, may institute injunction*
21 *proceedings in the name of the people of the State of Cali-*
22 *fornia against any and all such persons for the purpose of*
23 *enjoining and restraining them from carrying on farming*
24 *operations on any real property in the State of California,*
25 *under the terms and provisions of any such agreements, con-*
26 *tracts, or leases, as hereinbefore provided.*

27 SEC. 10. Section 13 is added to said act, to read:

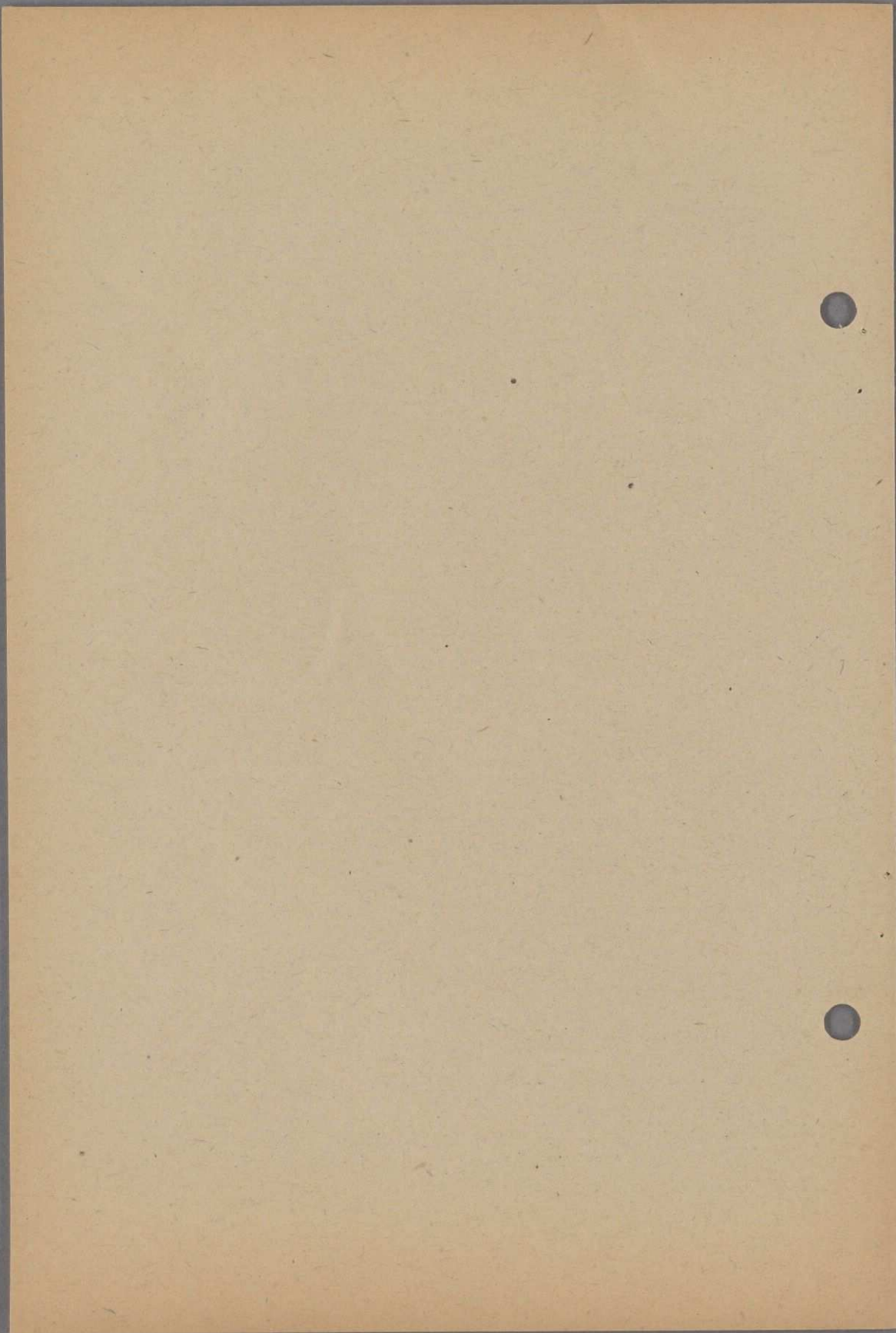
28 *Sec. 13. No alien ineligible to citizenship in the United*
29 *States and no person of dual citizenship, and no company,*
30 *association or corporation mentioned in Section 3 of this act*
31 *shall own, lease, control or have, or enjoy the beneficial use of*
32 *the proceeds received from the use or operation of any real*
33 *property in the State of California, except as may be required*
34 *by the provisions of any applicable treaty that may be entered*
35 *into by the United States.*

36 SEC. 11. Section 14 is hereby added to said act, to read:

37 *Sec. 14. This act may be cited as the California Alien Land*
38 *Act.*

39 SEC. 12. Section 15 is added to said act, to read:

40 *Sec. 15. The term "agriculture" as used in this act includes*
41 *horticulture and viticulture.*



INTRODUCED BY MR. JOHNSON

January 29, 1943

REFERRED TO COMMITTEE ON JUDICIARY

An act to amend Section 259 of the Probate Code and to repeal Sections 259.1 and 259.2 of the Probate Code, relating to the rights of inheritance of aliens.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 259 of the Probate Code is hereby
2 amended to read as follows:
3 259. The rights of aliens not residing within the United
4 States or its Territories to take either real or personal property
5 or the proceeds thereof in this State by succession or testa-
6 mentary disposition, upon the same terms and conditions
7 as residents and citizens of the United States is dependent
8 in each case upon the existence of a reciprocal right upon
9 the part of citizens of the United States to take real and per-
10 sonal property and the proceeds thereof upon the same terms
11 and conditions as residents and citizens of the respective
12 countries of which such aliens are inhabitants and citizens
13 and upon the rights of citizens of the United States to receive
14 by payment to them within the United States or its Terri-
15 tories money originating from the estates of persons dying
16 within such foreign countries, residents and the right of aliens
17 not residing in the United States or its Territories to take per-
18 sonal property in this State by succession or testamentary
19 disposition, upon the same terms and conditions as residents
20 and citizens of the United States is dependent in each case
21 upon the existence of a reciprocal right upon the part of
22 citizens of the United States to take personal property upon
23 the same terms and conditions as residents and citizens of the
24 respective countries of which such aliens are residents. It
25 shall be presumed that such reciprocal rights exist and this

1 *presumption shall be conclusive unless prior to the entry of*
2 *any decree of distribution a petition is filed by any person*
3 *interested in the estate requesting the court to find that either*
4 *one or both of such reciprocal rights does not or do not exist*
5 *as to the country of which an alien heir, devisee or legatee*
6 *is resident. Upon the hearing of such petition the burden of*
7 *establishing the nonexistence of such reciprocal right or rights*
8 *shall be upon the petitioner. Notice of such hearing shall be*
9 *given in the manner provided by Section 1200 of this code.*

10

11 SEC. 2. Section 259.1 of the Probate Code is hereby
12 repealed.

13 SEC. 3. Section 259.2 of the Probate Code is hereby
14 repealed.

INTRODUCED BY MR. HAWKINS

January 31, 1943

REFERRED TO COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

An act relating to a commission on race relations and making an appropriation for the purposes of this act.

The people of the State of California do enact as follows:

- 1 SECTION 1. The State Race Relations Commission is hereby
2 created. The commission shall be composed of seven members
3 appointed by, and holding office at the pleasure of, the Gov-
4 ernor.
- 5 SEC. 2. The members of the commission shall receive no
6 compensation. They shall receive actual and necessary
7 expenses incurred in the course of their duties.
- 8 SEC. 3. The commission may engage in any activities
9 designed to improve relations among the various racial groups
10 in the State or to promote an understanding of, and a spirit of
11 tolerance with respect to, racial problems.
- 12 SEC. 4. The sum of-----dollars (\$-----), or so much
13 thereof as may be necessary, is hereby appropriated out of any
14 moneys in the State Treasury not otherwise appropriated to be
15 expended for the purposes of this act.
- 16 SEC. 5. This act shall be known as the Race Relations Act.

INTRODUCED BY SENATOR ENGLE

January 8, 1943

REFERRED TO COMMITTEE ON JUDICIARY

An act to amend Section 8 and to repeal Section 4 of, and to add Sections 4, 10a, 10b, 10c, 11a, and 12a to, an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by the electorate November 2, 1920, relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to contracts for the use, leasehold or other interest in real property less than the fee, including cropping contracts, providing for escheats in certain cases, prescribing the procedure therein, defining the powers and duties of the Attorney General or the district attorney of the proper county in reference thereto, providing as to the duties, powers and authority of any alien appointed by any court as guardian of his native born minor child or children, or as guardian of any other person, or persons, and prescribing the procedure in such cases, and to provide a penalty.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4 of the act cited in the title is repealed.
- 2 SEC. 2. Section 4 is added to said act, to read:
- 3 SEC. 4. Whenever any alien mentioned in Section 2 hereof
- 4 is appointed by any court as a guardian of his native-born
- 5 minor child or children, or as a guardian of any other person
- 6 or persons, it shall be unlawful for such said alien guardian

1 to farm, operate or manage any land or lands held by such
2 guardianship estate, except solely for the use and benefit of
3 the ward or wards of said estate, or to enjoy, possess or have,
4 in whole or in part, the beneficial use of any such said land or
5 lands so held or possessed or which belong to any such said
6 guardianship estate, nor shall said alien guardian have or
7 enjoy or receive directly or indirectly the beneficial use of
8 such said lands or the proceeds received from the sale of any
9 crops produced, grown or raised thereon, it being the intent
10 of this section that no alien mentioned in Section 2 hereof
11 shall by any guardianship proceedings whatsoever evade or
12 violate or seek to evade or violate any of the provisions of this
13 statute.

14 In all such said guardianship estates, the alien guardian
15 must make a monthly report to the court in which said guard-
16 ianship estate is pending, showing in detail and supported by
17 receipts, all money disbursed, expended and paid out by said
18 guardian, to whom same was paid, for what purpose, and the
19 date of such said disbursement or payment. Also all money
20 received, from whom received, for what purpose received, and
21 the date of the receipt thereof. Failure on the part of the
22 said alien guardian so to do will constitute a direct violation
23 hereof, for which said guardian may be prosecuted and pun-
24 ished as set forth in Sections 10 and 10a hereof.

25 Said alien guardian shall include in such said monthly
26 report such other matters and items as the court may require,
27 the said alien guardian to be under the absolute jurisdiction
28 and control of the court at all times, and the court may from
29 time to time require said alien guardian to make special
30 reports on all things pertaining to said guardianship estate.
31 The court may also require the ward of any such said guard-
32 ianship estate to be produced in court whenever said court
33 may deem such procedure necessary and proper for the pro-
34 tection of said guardianship estate. In no case shall the said
35 ward of any such said guardianship estate leave the State of
36 California without first obtaining the written permission of
37 the court so to do.

38 The court shall have the power to fix the compensation of
39 the said alien guardian at such amount as the court may
40 determine, but in no case shall said amount exceed the actual
41 and necessary expenses of said alien guardian in the perform-
42 ance of his duties. The court shall also fix the amount of
43 bond to be given by said alien guardian. The court shall also
44 fix and determine the amount of attorney's fees in all such
45 guardianship matters. In no event, however, shall said attor-
46 ney's fees exceed the sum of one hundred fifty dollars (\$150)
47 per annum.

48 Whenever any alien guardian shall fail, neglect or refuse to
49 comply with the terms and provisions hereof, he may be
50 removed as guardian of said estate by the court, when deemed
51 to be for the best interests of said estate.

1 The court shall require a final account to be filed on behalf
2 of any such guardianship estate at the time the ward or wards
3 shall become 21 years of age. Such final account must be pre-
4 pared and filed by the alien guardian and must contain in
5 detail a full and complete accounting of all property, both
6 real and personal, belonging to said estate, all money disbursed
7 and paid out on account of said guardianship estate and all
8 money received on account thereof. The court may also
9 require such other matters to be included in said report as
10 said court may deem to be necessary and proper. No such
11 guardianship estate shall be finally closed until the final report
12 shall have been filed and approved by the court.

13 SEC. 3. Section 8 of said act is amended to read:

14 Sec. 8. Any leasehold or other interest in real property
15 less than the fee, including cropping contracts which are
16 hereby declared to constitute an interest in real property less
17 than the fee, hereafter *created and* acquired in violation of
18 the provisions of this act by any *landlord or owner of land*
19 *and any alien* mentioned in Section 2 of this act, or by any
20 company, association or corporation mentioned in Section 3
21 of this act, shall escheat to the State of California, as of the
22 date of such acquiring in violation of the provisions of this
23 act. The Attorney General or the district attorney of the
24 proper county shall institute proceedings *against both the*
25 *landlord or owner of the land and the alien mentioned in Sec-*
26 *tion 2 of this act*, to have such escheat adjudged and enforced
27 in the same manner as is provided in Section 7 of this act. In
28 such proceedings the court shall determine and adjudge the
29 value of such leasehold or other interest in such real prop-
30 erty, *including both the landlord's interest and the interest*
31 *of the lessee*, as of the date of such acquisition in violation of
32 the provisions of this act, and enter judgment for the State
33 for the amount thereof together with costs. The said judg-
34 ment so entered shall be considered a lien against the real
35 property in which such leasehold or other interest less than
36 the fee is so *created and* acquired in violation of the provisions
37 of this act, which lien shall exist as of the date of such unlaw-
38 ful acquisition. Thereupon the court shall order a sale of the
39 real property covered by such leasehold, or other interest, in
40 the manner provided by Section 1271 of the Code of Civil
41 Procedure. Out of the proceeds arising from such sale, the
42 amount of the judgment rendered for the State shall be paid
43 into the State Treasury and the balance shall be deposited
44 with and distributed by the court in accordance with the
45 interest of the parties therein. *Provided that the court shall*
46 *fix and determine the total costs and expenses of the county*
47 *in which the case is tried in preparing and prosecuting such*
48 *escheat cause, and same shall thereupon be repaid to said*
49 *county out of the State Treasury.* Any share of stock or the
50 interest of any member in a company, association or corpora-
51 tion hereafter acquired in violation of the provisions of Sec-
52 tion 3 of this act shall escheat to the State of California as of

1 *the date of such acquiring*, and it is hereby declared that any
 2 such share of stock or the interest of any member in such a
 3 company, association or corporation so acquired in violation
 4 of the provisions of Section 3 of this act is an interest in real
 5 property. Such escheat shall be adjudged and enforced
 6 *against both the lessor and the lessee* in the same manner as is
 7 provided in this section for the escheat of a leasehold or other
 8 interest in real property less than the fee.

9 Sec. 4. Section 10a is added to said act, to read:

10 Sec. 10a. Any person who violates any of the provisions
 11 of this act shall be punishable by imprisonment in the county
 12 jail not to exceed one year or in the State penitentiary not
 13 exceeding two years, or by a fine not to exceed five thousand
 14 dollars (\$5,000), or both.

15 Sec. 4. Section 10b is added to said act, to read:

16 Sec. 10b. The Attorney General of the State of California
 17 or the district attorney of the proper county is hereby granted
 18 the power to institute in the name of the people of the State
 19 of California injunction proceedings to enjoin and restrain
 20 any and all persons from entering into any written or oral
 21 agreements in violation of the terms and provisions of this
 22 act, and said Attorney General or district attorney shall have
 23 the power to file such said injunction proceedings for the pur-
 24 pose of restraining and enjoining any person from operating
 25 or conducting farming and agricultural operations in viola-
 26 tion of the terms and provisions of this act; all such said
 27 injunction proceedings shall be instituted in the superior
 28 court of the county in which the real property involved is
 29 situated. In so far as applicable said injunction proceedings
 30 shall be governed by the terms and provisions of Part 2, Title
 31 7, Chapter 3, of the Code of Civil Procedure of the State of
 32 California.

33 Sec. 6. Section 10c is added to said act, to read:

34 Sec. 10c. The Attorney General of the State of California
 35 and the District Attorney of the proper county are hereby
 36 granted power to institute proceedings in the name of the
 37 people of the State of California under this act, in the superior
 38 court of the county in which the land involved is located, for
 39 the purpose of testing and determining by a civil action in a
 40 declaratory manner whether or not any agricultural land is
 41 being farmed or used under a contract written or oral in
 42 violation of the terms and provisions of this act.

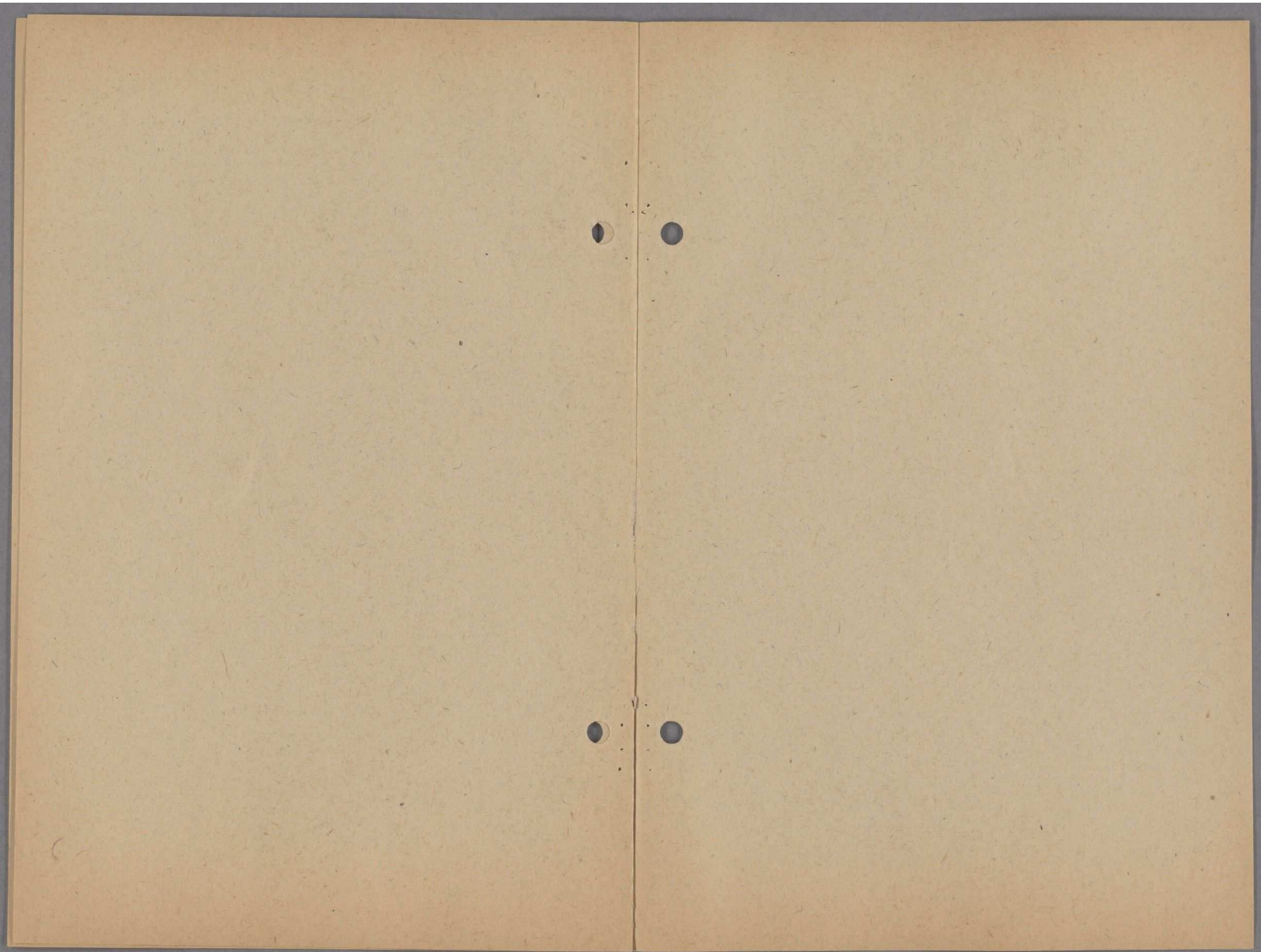
43 Sec. 7. Section 11a is added to said act, to read:

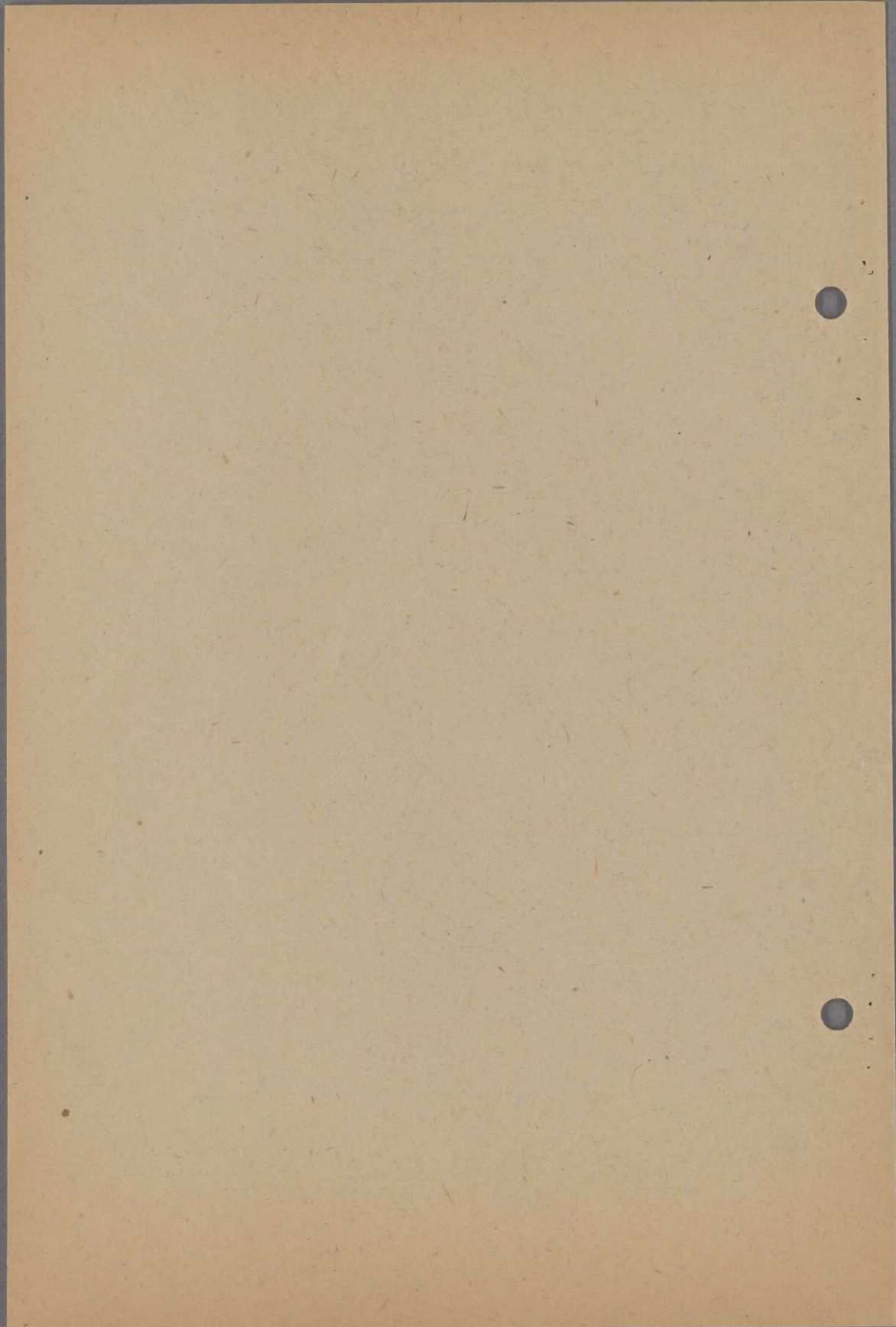
44 Sec. 11a. All leases, cropping agreements and any other
 45 agreements to acquire, possess, enjoy, use, cultivate, occupy
 46 and transfer real property for farming or agricultural pur-
 47 poses or to transfer in whole or in part the beneficial use of
 48 said lands when said lease agreements, cropping contracts or
 49 other contracts are made in the name of the wife or child of
 50 any alien mentioned in Section 2 of this act, or made in the
 51 name of any other person, shall be illegal and void and in
 52 violation of the terms and provisions of this act where such

1 said alien mentioned in Section 2 of this act is allowed to
 2 remain upon the land, farm and cultivate same and enjoy
 3 directly or indirectly the beneficial use of such said agricul-
 4 tural lands or obtains or has a beneficial interest in or use of
 5 the proceeds received from the sale of the agricultural crops
 6 produced on said lands, and in all such cases all of said
 7 persons signing and entering into any such said agreement
 8 shall be guilty of violation of the terms and provisions of this
 9 act, and upon conviction thereof shall be punished in the man-
 10 ner provided in Sections 10 and 10a hereof, and the Attorney
 11 General or the district attorney of the proper county shall
 12 have the power to institute injunction proceedings in the
 13 name of the people of the State of California against any and
 14 all such persons for the purpose of enjoining and restraining
 15 them from carrying on farming operations on any agricultural
 16 lands in the State of California, under the terms and pro-
 17 visions of any such said agreements, contracts, or leases, as
 18 hereinbefore provided.

19 Sec. 8. Section 12a is added to said act, to read:

20 Sec. 12a. No alien mentioned in Section 2 hereof shall
 21 own, lease, control or have, or enjoy the beneficial use thereof,
 22 or the proceeds received from the use or operation thereof,
 23 or any land in the State of California, including agricultural
 24 lands, city property or property used for agricultural
 25 purposes.





INTRODUCED BY SENATOR TENNEY

January 8, 1943

REFERRED TO COMMITTEE ON GOVERNMENTAL EFFICIENCY

An act to establish the "World Peace Planning Commission" and prescribing its powers and duties; authorizing the World Peace Planning Commission to make investigations and public recommendations as to international affairs and problems and to promote world peace, tolerance, and recognition of the right to security and freedom, making an appropriation.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known as the World Peace
2 Planning Act.

3 SEC. 2. There now exists a legally declared state of war
4 between this Nation and certain foreign powers. In order
5 that at the cessation of hostilities, a just and durable peace
6 may be established, it is necessary that plans be made im-
7 mediately to embody democratic principles in any and all peace
8 treaties.

9 It is hereby declared to be the public policy of the State to
10 promote permanent world peace, tolerance, and recognition
11 of the rights of all peoples to be secure and free from want and
12 fear and to enjoy freedom of speech and religion.

13 SEC. 3. There is hereby created the World Peace Planning
14 Commission, designated in this act as the commission, to con-
15 sist of 15 members who shall be appointed by the Governor,
16 and to serve at his pleasure.

17 SEC. 4. Any vacancy which may occur shall be filled by the
18 Governor.

19 SEC. 5. The Governor shall designate one member of the
20 commission to serve as the chairman thereof.

21 SEC. 6. Each member of the commission shall receive ten
22 dollars (\$10) per day for each and every day devoted to the
23 actual performance of his duties under this act and his actual

1 and necessary expenses, including mileage at the rate of five
2 cents (\$0.05) per mile, each way, incurred in connection with
3 his services upon the commission.

4 SEC. 7. Subject to the provisions of the State Civil Service
5 Act and rules, the commission may appoint a secretary or ste-
6 nographer and other personnel necessary to effect the purposes
7 of this act and fix their duties and compensation.

8 SEC. 8. The commission may incur necessary expenses and
9 expend funds for necessary equipment, supplies, and printing.

10 SEC. 9. It shall be the duty of the commission to: (1)
11 work for permanent world peace; (2) collect, analyze, and
12 disseminate data and information concerning international
13 affairs and problems; (3) promulgate recommendations for
14 tolerance and the recognition of the rights of all peoples to be
15 secure and free from want and fear and to enjoy freedom of
16 religion and speech; (4) foster the embodying of democratic
17 principles in peace treaties; (5) cooperate with Federal, State,
18 other public and private agencies, and similar commissions or
19 agencies of the countries of North and South America, to
20 effect the purposes of this act.

21 SEC. 10. There is hereby appropriated from any funds in
22 the State Treasury, not otherwise appropriated, the sum of
23 fifty thousand dollars (\$50,000) or so much thereof as may be
24 necessary to carry out the provisions of this act.

25 SEC. 11. If any provisions of this act or the application
26 thereof to any person or circumstances is held invalid, the
27 remainder of the act, and the application of such provisions
28 to other persons or circumstances shall not be affected thereby.

INTRODUCED BY SENATOR TENNEY

January 8, 1943

REFERRED TO COMMITTEE ON LABOR

An act to add Sections 2751, 2805, 2806, and 2807 to the Labor Code, relating to employment, to prevent discrimination and provide a penalty.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2751 is added to the Labor Code, to
2 read:

3
4 2751. As used in this chapter "employer" is one who
5 employs, or one who uses or engages the services of another
6 person, and includes any individual, corporation, association,
7 partnership, business trust, legal representative, or any
8 organized group of persons acting directly or indirectly in
9 the interest of an employer in its relations to employees.

10 "Industry" as used herein refers to any trade, business
11 industry or branch thereof, or group of industries, in which
12 individuals are employed. The provisions of Sections 2805
13 and 2806 do not apply to motion picture companies, the-
14 atrical agencies, casting offices for actor or actress personnel
15 or religious institutions of either a private or eleemosynary
16 nature.

17
18 SEC. 2. Section 2805 is added to the Labor Code, to read:

19
20 2805. It shall be unlawful for any person, firm or cor-
21 poration within the jurisdiction of this State, anywise engaged
22 in the production, manufacture or distribution of military
23 or naval material, equipment or supplies for the State of Cali-
24 fornia or for the United States Government to refuse to
25 employ any person in any capacity on account of the race,
26 color or creed, or sex, of such person.

1 SEC. 3. Section 2806 is added to the Labor Code, to read:

2
3 2806. Any employer or person who, or corporation, asso-
4 ciation, partnership, business trust or any organized group
5 of persons acting directly or indirectly in the interest of an
6 employer in it relation to employees, excludes a citizen by
7 reason of race, color, creed or sex, from any public employ-
8 ment in any capacity, in industries engaged on defense con-
9 tracts, or denies, or aids or incites another to deny, to any
10 person, because of race, color, creed or sex, public employ-
11 ment or employment in any capacity in industries engaged
12 on defense contracts, shall be guilty of a misdemeanor.

13
14 SEC. 4. Section 2807 is added to the Labor Code, to read:

15
16 2807. The Department of Industrial Relations shall enforce
17 the provisions of Sections 2805 and 2806 of this code. For
18 this purpose it may use the powers of administration, inves-
19 tigation, subpena, and hearings invested in it under this
20 code; it may require submission at regular intervals or other-
21 wise of information, records, reports pertinent to discrimi-
22 natory practices in industries.

23
24 SEC. 5. If any provision of this act, or the application of
25 such provision to any person or circumstance shall be held
26 invalid, the remainder of this act, or the application of such
27 provisions to persons or circumstances other than those to
28 which it is held invalid, shall not be affected thereby.

INTRODUCED BY SENATOR TENNEY

January 12, 1943

REFERRED TO COMMITTEE ON LABOR

An act to add Sections 2751, 2805, 2806, 2807 and 2808 to the Labor Code, relating to employment, to prevent discrimination and provide a penalty.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2751 is added to the Labor Code, to
2 read:

3 2751. As used in this chapter "Employer" is one who
4 employs, or one who uses or engages the services of another
5 person, and includes any individual, corporation, association,
6 partnership, business trust, legal representative, or any organ-
7 ized group of persons acting directly or indirectly in the inter-
8 est of an employer in its relations to employees.

9 "Industry" as used herein refers to any trade, business
10 industry or branch thereof, or group of industries, in which
11 individuals are employed. The provisions of Sections 2805
12 and 2806 do not apply to motion picture companies, theatrical
13 agencies, casting offices for actor or actress personnel or relig-
14 ious institutions of either a private or eleemosynary nature.

15 SEC. 2. Section 2805 is added to the Labor Code, to read:

16 2805. It shall be unlawful for any person, firm or corpora-
17 tion within the jurisdiction of this State, anywise engaged in
18 the production, manufacture or distribution of military or
19 naval material, equipment or supplies for the State of Cali-
20 fornia or for the United States Government to refuse to
21 employ any person in any capacity on account of the race,
22 color or creed, or sex, of such person.

23 SEC. 3. Section 2806 is added to the Labor Code, to read:

24 2806. Any employer or person who, or corporation, asso-
25 ciation, partnership, business trust, legal representative, or
26 any organized group of persons acting directly or indirectly
27 in the interest of an employer in its relation to employees,

1 excludes a citizen by reason of race, color, creed or sex, from
2 any public employment in any capacity, in industries engaged
3 on defense contracts, or denies, or aids or incites another to
4 deny, to any person, because of race, color, creed or sex, public
5 employment or employment in any capacity in industries
6 engaged on defense contracts, shall be guilty of a misdemeanor.

7 Sec. 4. Section 2807 is added to the Labor Code, to read:

8 2807. The Department of Industrial Relations shall
9 enforce the provisions of Sections 2805 and 2806 of this code.
10 For this purpose it may use the powers of administration,
11 investigation, subpoena, and hearings invested in it under this
12 code; it may require submission at regular intervals or other-
13 wise of information, records, reports pertinent to discrimina-
14 tory practices in industries.

15 Sec. 5. Section 2808 is added to the Labor Code, to read:

16 2808. The provisions of this act shall not apply to citizens,
17 or subjects, or the descendants of citizens or subjects, of any
18 country or State with which the United States is at war.

19 Sec. 6. If any provision of this act, or the application of
20 such provision to any person or circumstance shall be held
21 invalid, the remainder of this act, or the application of such
22 provisions to persons or circumstances other than those to
23 which it is held invalid, shall not be affected thereby.

INTRODUCED BY SENATORS ENGLE, LUCKEY, CUNNINGHAM,
McBRIDE, WARD, DORSEY, TENNEY, BURNS, DILLINGER,
DEUEL, QUINN, POWERS, SALSMAN, COLLIER, SLATER,
AND McCORMACK

January 14, 1943

REFERRED TO COMMITTEE ON JUDICIARY

An act to amend Section 8 and to repeal Section 4 of, and to add Sections 4, 10a, 10b, 10c, 11a, and 12a to, an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by the electorate November 2, 1920, relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to contracts for the use, leasehold or other interest in real property less than the fee, including cropping contracts, providing for escheats in certain cases, prescribing the procedure therein, defining the powers and duties of the Attorney General or the district attorney of the proper county in reference thereto, providing as to the duties, powers and authority of any alien appointed by any court as guardian of his native-born minor child or children, or as guardian of any other person, or persons, and prescribing the procedure in such cases, and to provide a penalty.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4 of the act cited in the title is repealed.
- 2 SEC. 2. Section 4 is added to said act, to read:
- 3 SEC. 4. Whenever any alien mentioned in Section 2 hereof
- 4 is appointed by any court as a guardian of his native-born

1 minor child or children, or as a guardian of any other person
 2 or persons, it shall be unlawful for such said alien guardian
 3 to farm, operate or manage any land or lands held by such
 4 guardianship estate, except solely for the use and benefit of
 5 the ward or wards of said estate, or to enjoy, possess or have,
 6 in whole or in part, the beneficial use of any such said land or
 7 lands so held or possessed or which belong to any such said
 8 guardianship estate, nor shall said alien guardian have or
 9 enjoy or receive directly or indirectly the beneficial use of
 10 such said lands or the proceeds received from the sale of any
 11 crops produced, grown or raised thereon, it being the intent
 12 of this section that no alien mentioned in Section 2 hereof
 13 shall by any guardianship proceedings whatsoever evade or
 14 violate or seek to evade or violate any of the provisions of this
 15 statute.

16 In all such said guardianship estates, the alien guardian
 17 must make a monthly report to the court in which said guard-
 18 ianship estate is pending, showing in detail and supported by
 19 receipts, all money disbursed, expended and paid out by said
 20 guardian, to whom same was paid, for what purpose, and the
 21 date of such said disbursement or payment. Also all money
 22 received, from whom received, for what purpose received, and
 23 the date of the receipt thereof. Failure on the part of the
 24 said alien guardian so to do will constitute a direct violation
 25 hereof, for which said guardian may be prosecuted and pun-
 26 ished as set forth in Sections 10 and 10a hereof.

27 Said alien guardian shall include in such said monthly
 28 report such other matters and items as the court may require,
 29 the said alien guardian to be under the absolute jurisdiction
 30 and control of the court at all times, and the court may from
 31 time to time require said alien guardian to make special
 32 reports on all things pertaining to said guardianship estate.
 33 The court may also require the ward of any such said guard-
 34 ianship estate to be produced in court whenever said court
 35 may deem such procedure necessary and proper for the pro-
 36 tection of said guardianship estate. In no case shall the said
 37 ward of any such said guardianship estate leave the State of
 38 California without first obtaining the written permission of
 39 the court so to do.

40 The court shall have the power to fix the compensation of
 41 the said alien guardian at such amount as the court may
 42 determine, but in no case shall said amount exceed the actual
 43 and necessary expenses of said alien guardian in the perform-
 44 ance of his duties. The court shall also fix the amount of
 45 bond to be given by said alien guardian. The court shall also
 46 fix and determine the amount of attorney's fees in all such
 47 guardianship matters. In no event, however, shall said attor-
 48 ney's fees exceed the sum of one hundred fifty dollars (\$150)
 49 per annum.

50 Whenever any alien guardian shall fail, neglect or refuse to
 51 comply with the terms and provisions hereof, he may be

1 removed as guardian of said estate by the court, when deemed
 2 to be for the best interests of said estate.

3 The court shall require a final account to be filed on behalf
 4 of any such guardianship estate at the time the ward or wards
 5 shall become 21 years of age. Such final account must be pre-
 6 pared and filed by the alien guardian and must contain in
 7 detail a full and complete accounting of all property, both
 8 real and personal, belonging to said estate, all money dis-
 9 bursed and paid out on account of said guardianship estate
 10 and all money received on account thereof. The court may
 11 also require such other matters to be included in said report as
 12 said court may deem to be necessary and proper. No such
 13 guardianship estate shall be finally closed until the final
 14 report shall have been filed and approved by the court.

15 SEC. 3. Section 8 of said act is amended to read:

16 Sec. 8. Any leasehold or other interest in real property
 17 less than the fee, including cropping contracts which are
 18 hereby declared to constitute an interest in real property less
 19 than the fee, hereafter *created and* acquired in violation of
 20 the provisions of this act by any *landlord or owner of land*
 21 *and any* alien mentioned in Section 2 of this act, or by any
 22 company, association or corporation mentioned in Section 3
 23 of this act, shall escheat to the State of California, as of the
 24 date of such acquiring in violation of the provisions of this
 25 act. The Attorney General or the district attorney of the
 26 proper county shall institute proceedings *against both the*
 27 *landlord or owner of the land and the alien mentioned in Sec-*
 28 *tion 2 of this act*, to have such escheat adjudged and enforced
 29 in the same manner as is provided in Section 7 of this act. In
 30 such proceedings the court shall determine, and adjudge the
 31 value of such leasehold or other interest in such real prop-
 32 erty, *including both the landlord's interest and the interest*
 33 *of the lessee*, as of the date of such acquisition in violation of
 34 the provisions of this act, and enter judgment for the State
 35 for the amount thereof together with costs. The said judg-
 36 ment so entered shall be considered a lien against the real
 37 property in which such leasehold or other interest less than
 38 the fee is so *created and* acquired in violation of the provisions
 39 of this act, which lien shall exist as of the date of such unlaw-
 40 ful acquisition. Thereupon the court shall order a sale of the
 41 real property covered by such leasehold, or other interest, in
 42 the manner provided by Section 1271 of the Code of Civil
 43 Procedure. Out of the proceeds arising from such sale, the
 44 amount of the judgment rendered for the State shall be paid
 45 into the State Treasury and the balance shall be deposited
 46 with and distributed by the court in accordance with the
 47 interest of the parties therein. *Provided that the court shall*
 48 *fix and determine the total costs and expenses of the county*
 49 *in which the case is tried in preparing and prosecuting such*
 50 *escheat cause, and same shall thereupon be repaid to said*
 51 *county out of the State Treasury.* Any share of stock or the

1 interest of any member in a company, association or corpora-
 2 tion hereafter acquired in violation of the provisions of Sec-
 3 tion 3 of this act *shall escheat to the State of California as of*
 4 *the date of such acquiring*, and it is hereby declared that any
 5 such share of stock or the interest of any member in such a
 6 company, association or corporation so acquired in violation
 7 of the provisions of Section 3 of this act is an interest in
 8 real property. Such escheat shall be adjudged and enforced
 9 *against both the lessor and the lessee* in the same manner as is
 10 provided in this section for the escheat of a leasehold or other
 11 interest in real property less than the fee.

12 SEC. 4. Section 10a is added to said act, to read:

13 Sec. 10a. Any person who violates any of the provisions
 14 of this act shall be punishable by imprisonment in the county
 15 jail not to exceed one year or in the State penitentiary not
 16 exceeding two years, or by a fine not to exceed five thousand
 17 dollars (\$5,000), or both.

18 SEC. 4. Section 10b is added to said act, to read:

19 Sec. 10b. The Attorney General of the State of California
 20 or the district attorney of the proper county is hereby granted
 21 the power to institute in the name of the people of the State
 22 of California injunction proceedings to enjoin and restrain
 23 any and all persons from entering into any written or oral
 24 agreements in violation of the terms and provisions of this
 25 act, and said Attorney General or district attorney shall have
 26 the power to file such said injunction proceedings for the pur-
 27 pose of restraining and enjoining any person from operating
 28 or conducting farming and agricultural operations in viola-
 29 tion of the terms and provisions of this act; all such said
 30 injunction proceedings shall be instituted in the superior
 31 court of the county in which the real property involved is
 32 situated. In so far as applicable said injunction proceedings
 33 shall be governed by the terms and provisions of Part 2, Title
 34 7, Chapter 3, of the Code of Civil Procedure of the State of
 35 California.

36 SEC. 6. Section 10c is added to said act, to read:

37 Sec. 10c. The Attorney General of the State of California
 38 and the district attorney of the proper county are hereby
 39 granted power to institute proceedings in the name of the
 40 people of the State of California under this act, in the supe-
 41 rior court of the county in which the land involved is located,
 42 for the purpose of testing and determining by a civil action in
 43 a declaratory manner whether or not any agricultural land
 44 is being farmed or used under a contract written or oral in
 45 violation of the terms and provisions of this act.

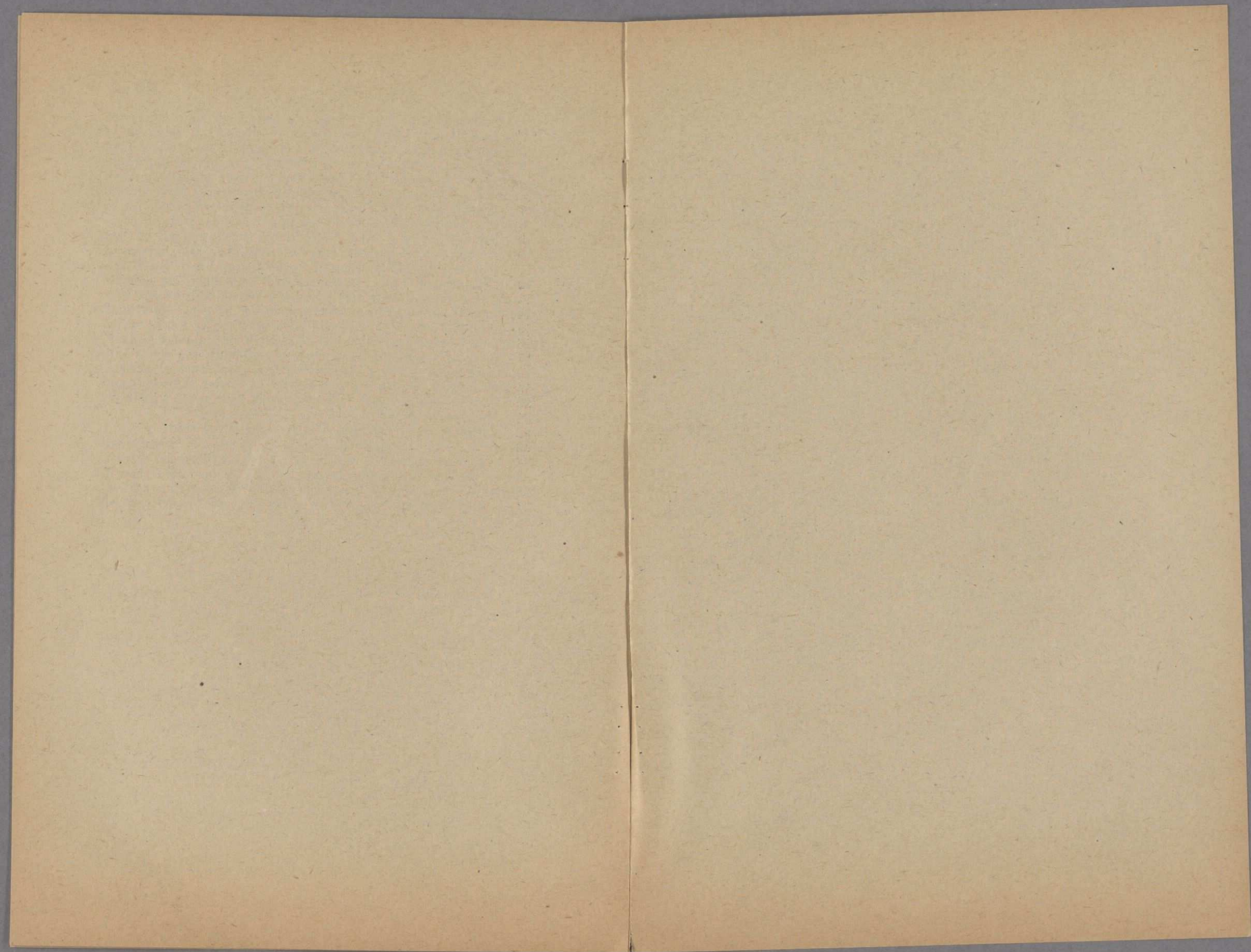
46 SEC. 7. Section 11a is added to said act, to read:

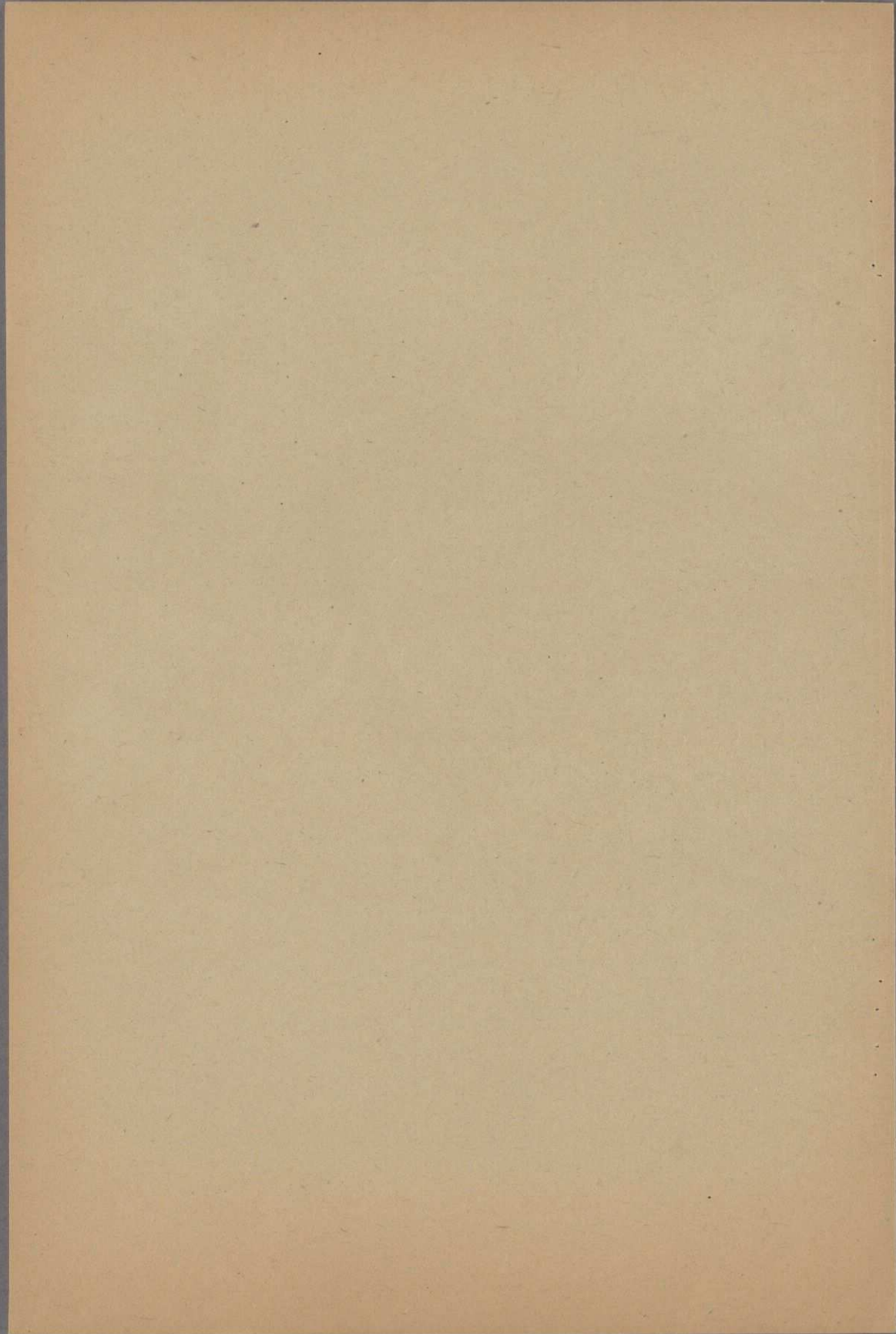
47 Sec. 11a. All leases, cropping agreements and any other
 48 agreements to acquire, possess, enjoy, use, cultivate, occupy
 49 and transfer real property for farming or agricultural pur-
 50 poses or to transfer in whole or in part the beneficial use of
 51 said lands when said lease agreements, cropping contracts or
 52 other contracts are made in the name of the wife or child of

1 any alien mentioned in Section 2 of this act, or made in the
 2 name of any other person, shall be illegal and void and in
 3 violation of the terms and provisions of this act where such
 4 said alien mentioned in Section 2 of this act is allowed to
 5 remain upon the land, farm and cultivate same and enjoy
 6 directly or indirectly the beneficial use of such said agricul-
 7 tural lands or obtains or has a beneficial interest in or use of
 8 the proceeds received from the sale of the agricultural crops
 9 produced on said lands, and in all such cases all of said
 10 persons signing and entering into any such said agreement
 11 shall be guilty of violation of the terms and provisions of this
 12 act, and upon conviction thereof shall be punished in the man-
 13 ner provided in Sections 10 and 10a hereof, and the Attorney
 14 General or the district attorney of the proper county shall
 15 have the power to institute injunction proceedings in the
 16 name of the people of the State of California against any and
 17 all such persons for the purpose of enjoining and restraining
 18 them from carrying on farming operations on any agricul-
 19 tural lands in the State of California, under the terms and
 20 provisions of any such said agreements, contracts, or leases, as
 21 hereinbefore provided.

22 SEC. 8. Section 12a is added to said act, to read:

23 Sec. 12a. No alien mentioned in Section 2 hereof shall
 24 own, lease, control or have, or enjoy the beneficial use thereof,
 25 or the proceeds received from the use or operation thereof,
 26 or any land in the State of California, including agricul-
 27 tural lands, city property or property used for agricultural
 28 purposes.





INTRODUCED BY SENATORS TENNEY AND BURNS

January 28, 1943

REFERRED TO COMMITTEE ON JUDICIARY

An act to add Sections 310, 311, 311a, 311b, 311c, 311d, 311e, 311f, 311g, 311h and 311i to the Penal Code, prohibiting certain acts conducive to hatred, violence or hostility by reason of race, color, religion or manner of worship, and prescribing penalties in connection therewith.

The people of the State of California do enact as follows:

1 SECTION 1. Section 310 is added to the Penal Code, to read:
2 310. There is assured to the people of this State under the
3 Constitution of the United States of America, freedom of con-
4 science in the matter of religious worship, and equality in the
5 protection of life, liberty and property.

6 The Constitution of the State of California guarantees to
7 the people of this State civil and religious liberty and the people
8 thereof are declared to have certain natural and inalienable
9 rights, among which are those of enjoying and defending life
10 and liberty, acquiring, possessing and protecting property,
11 pursuing and obtaining safety and happiness and enjoying
12 freedom of conscience in the matter of religious worship.

13 The dissemination, circulation or publication of propaganda,
14 or statements creating, or tending to create hatred, violence or
15 hostility against people of this State by reason of their race,
16 color, religion or manner of worship, creates or tends to create
17 violations of the constitutional assurances and guarantees
18 herein referred to and incites disturbances of domestic tran-
19 quillity and public peace and is provocative of violence, causing
20 injuries to persons and property.

21 With these considerations in view, the following provisions
22 are added to the Penal Code:

23
24 SEC. 2. Section 311 is added to the Penal Code, to read:

25 311. Any person who shall print, write, multigraph or in
26 any manner whatsoever make or produce or by any means set
27 out and make legible in any language,

28 (a) Any book, speech, article, statement, circular, or pam-
29 phlet which in any way, in any part thereof, is intended to

1 incite, counsel, promote or advocate hatred, violence or hos-
 2 tility against any group or groups of persons residing or being
 3 in this State, by reason of race, color, religion or manner of
 4 worship,

5 (b) Any constitution, by-laws, rules, regulations or record
 6 of any proceeding of any organization, association, corpora-
 7 tion, society, order, club or meeting of three or more persons,
 8 which is intended in any way to incite, counsel, promote or
 9 advocate hatred, violence or hostility against any group or
 10 groups of persons residing or being in this State, by reason
 11 of race, color, religion or manner of worship, or

12 (c) Any picture, photograph, emblem, representation, sign
 13 or token which is intended in any way to incite, counsel, pro-
 14 mote, advocate or symbolize hatred, violence or hostility
 15 against any group or groups of persons residing or being in
 16 this State, by reason of race, color, religion or manner of wor-
 17 ship, shall be guilty of a crime punishable by a fine of not
 18 more than five hundred dollars (\$500) or less than two hun-
 19 dred dollars (\$200) or by imprisonment not to exceed three
 20 years or less than 90 days, or both.

21
 22 SEC. 3. Section 311a is added to the Penal Code, to read
 23 as follows:

24 311a. Any person who shall have in his possession for the
 25 purpose of, or with the intent to utter, sell, give away, circu-
 26 late, distribute or exhibit to the view of another, or any person
 27 who shall utter, sell, give away, circulate, send, transmit, dis-
 28 tribute or exhibit to the view of another

29 (a) Any picture, speech, article, statement, circular, pam-
 30 phlet or other written, printed or multigraphed matter made
 31 or produced in any manner whatsoever in any language or
 32 by any means set out and made legible, which is intended in
 33 any way, or in any part thereof, to incite, counsel, promote or
 34 advocate hatred, violence or hostility against any group or
 35 groups of persons residing or being in this State, by reason of
 36 race, color, religion or manner of worship or

37 (b) Any constitution, by-laws, rules, regulations or records
 38 or any proceeding, or purporting to be such, of any organiza-
 39 tion, association, corporation, society, order, club or meeting
 40 of three or more persons, made or produced in any manner
 41 or by any means set out and made legible in any language
 42 which in any way, in any part thereof, is intended to incite,
 43 counsel, promote or advocate hatred, violence or hostility
 44 against any group or groups of persons residing or being in
 45 this State, by reason of race, color or religion or manner of
 46 worship, or

47 (c) Any picture, photograph, emblem, representation, sign
 48 or token made or produced in any manner which in any way
 49 is intended to incite, counsel, promote or advocate hatred, vio-
 50 lence or hostility against any group or groups of persons resid-
 51 ing or being in this State, by reason of race, color, religion or
 52 manner of worship shall be guilty of a crime punishable by

1 a fine of not more than five hundred dollars (\$500) or less
 2 than two hundred dollars (\$200) or by imprisonment not to
 3 exceed three years or less than 90 days, or both.

4
 5 SEC. 4. Section 311b is added to the Penal Code, to read:

6 311b. Any person who shall exhibit or display at any meet-
 7 ing of three or more persons or in any parade, public or pri-
 8 vate, or in any public place, any flag, banner, emblem, picture,
 9 photograph, representation, tableau, performance, sign or
 10 token, which is intended in any way to incite, counsel, pro-
 11 mote, or advocate hatred, violence or hostility against any
 12 group or groups of persons residing or being in this State by
 13 reason of race, color, religion or manner of worship, shall be
 14 guilty of a crime punishable by a fine of not more than five
 15 hundred dollars (\$500) or less than two hundred dollars
 16 (\$200) or by imprisonment not to exceed three years or less
 17 than 90 days, or both.

18
 19 SEC. 5. Section to be numbered 311c is added to the Penal
 20 Code, to read:

21 311c. Any person who shall, in the presence of two or more
 22 persons, in any language, make or utter any speech, statement
 23 or declaration, which is in any way intended to incite, coun-
 24 sel, promote or advocate hatred, abuse, violence or hostility
 25 against any group or groups of persons residing or being in
 26 this State by reason of race, color, religion or manner of wor-
 27 ship, shall be guilty of a crime punishable by a fine of not
 28 more than five hundred dollars (\$500) or less than two hun-
 29 dred dollars (\$200) or by imprisonment not to exceed three
 30 years or less than 90 days, or both.

31
 32 SEC. 6. Section 311d is added to the Penal Code, to read:

33 311d. Any owner, lessee, manager, agent or other person
 34 who shall knowingly let out or hire out, or permit the use of
 35 any building, structure, auditorium, hall or room, or any part
 36 thereof, whether licensed or not, to or for the use of any
 37 organization, association, society, order, club, group or meet-
 38 ing of three or more persons proposing or intending to hold
 39 any meeting or assembly of three or more persons for the
 40 purpose of violating any provision of Sections 310 to 310c
 41 shall be guilty of a crime punishable by a fine of not more
 42 than five hundred dollars (\$500) or less than two hundred
 43 dollars (\$200) or by imprisonment not to exceed three years
 44 or less than 90 days, or both, and any person or persons who
 45 shall knowingly hire any such building, structure, auditorium,
 46 hall, or room, or any part thereof, for the purpose of using or
 47 permitting the same to be used by others for the purpose of
 48 violating any provision or provisions of Sections 310 to 310c
 49 shall be guilty of a crime punishable by a fine of not more
 50 than five hundred dollars (\$500) or less than two hundred
 51 dollars (\$200) or by imprisonment not to exceed three years
 52 or less than 90 days, or both.

1 SEC. 7. Section 311e is added to the Penal Code, to read:

2 311e. Any person who shall from any station, studio, or
3 radio transmission equipment, microphone, or any other equip-
4 ment or device of any nature or kind, located within this
5 State, broadcast or make audible to others, within this State,
6 through any radio receiving set, device or equipment of any
7 nature or kind, located within this State, in any language,
8 any speech, declaration, statement or pronouncement which is
9 intended, in any way, to incite, counsel, promote or advocate
10 hatred, violence or hostility against any group or groups of
11 persons residing or being within this State, by reason of race,
12 color, religion, or manner of worship of such group or groups,
13 shall be guilty of a crime punishable by a fine of not more
14 than five hundred dollars (\$500) or less than two hundred
15 dollars (\$200) or by imprisonment not to exceed three years
16 or less than 90 days, or both; and the owner of any such
17 station, studio or radio transmission equipment, microphone,
18 or any other equipment or device of any nature or kind, for
19 the transmission of sound, who shall knowingly permit the
20 same or any part thereof to be used for such purpose, shall
21 be guilty of a crime punishable by a fine of not more than
22 five hundred dollars (\$500) or less than two hundred dollars
23 (\$200) or by imprisonment not to exceed three years or less
24 than 90 days, or both.

25
26 SEC. 8. Section 311f is added to the Penal Code, to read:

27 311f. The provisions of Sections 311 to 311e, inclusive,
28 shall not prevent or make unlawful in any manner whatso-
29 ever the publication of any item of news as such in a bona fide
30 newspaper of general circulation.

31
32 SEC. 9. Section 311g is added to the Penal Code, to read:

33 311g. The provisions of this act shall not apply to citizens
34 or subjects or the descendants of any citizen or subject of
35 any country or State now at war with the United States.

36
37 SEC. 10. Section 311h is added to the Penal Code, to read:

38 311h. Proof that persons or groups of persons are directly
39 or indirectly, through the dissemination, circulation or publi-
40 cation of propaganda or statements or advocates, teaches,
41 justifies, aids or abets a program tending to create hatred,
42 violence, or hostility by any of the means hereinbefore men-
43 tioned against the people of the State of California by reason
44 of their race, color, religion, or manner of worship is guilty
45 of sedition and shall be punished accordingly.

46
47 SEC. 11. Section 311i is added to said code, to read:

48 311i. It shall be a complete defense to a charge of viola-
49 tion of the provisions of this act to show that such religious
50 sect is engaged in acts of sedition.

INTRODUCED BY SENATORS TENNEY AND BURNS

January 28, 1943

REFERRED TO COMMITTEE ON JUDICIARY

An act to amend Sections 45 and 46 of, and to add Sections 46c, 46d and 46e to, the Civil Code, relating to defamation.

The people of the State of California do enact as follows:

1 SECTION 1. Section 45 of the Civil Code is amended to
2 read:

3 45. Libel is a false and unprivileged publication by writ-
4 ing, printing, picture, effigy, or other fixed representation to
5 the eye, which exposes any person, *religious organization,*
6 *religious association, or race* to hatred, contempt, ridicule, or
7 obloquy, or which causes ~~him~~ *said person, religious organiza-*
8 *tion, religious association, or race* to be shunned or avoided,
9 or which has a tendency to injure ~~him~~ *said person* in his occu-
10 pation, or *said religious organization, religious association, or*
11 *race in the public estimation. Any person who is a member*
12 *of any such religious organization, religious association, or*
13 *race may sue for the benefit of himself and other members of*
14 *such religious organization, religious association, or race. Any*
15 *damages recovered by any such plaintiff shall be held by him*
16 *as trustee for such religious organization or religious associa-*
17 *tion; or in the case of a race shall be held by him as trustee*
18 *for any eleemosynary institution which he shall designate as*
19 *beneficiary in his complaint.*

20
21 SEC. 2. Section 46 of said code is amended to read:

22 46. Slander is a false and unprivileged publication other
23 than libel, which:

24 1. Charges any person with crime, or with having been
25 indicted, convicted, or punished for crime;

26 2. Imputes in him the present existence of an infectious,
27 contagious, or loathsome disease;

3. Tends directly to injure him in respect to his office, profession, trade, or business, either by imputing to him general disqualification in those respects which the office or other occupation peculiarly requires, or by imputing something with reference to his office, profession, trade, or business that has a natural tendency to lessen its profits;

4. Imputes to him impotence or a want of chastity; or

5. *Exposes any person, religious organization, religious association, or race to hatred, contempt, ridicule or obloquy, or which causes any such person, religious organization, religious association, or race to be shunned or avoided, or which has a tendency to injure any such person, religious organization, religious association, or race in the public estimation; or*

6. Which, by natural consequence, causes actual damage.

SEC. 3. Section 46c is added to said code, to read:

46c. Any person who is a member of any religious organization, religious association, or race, alleged to have been slandered under Subdivision 5 of Section 46, may sue for the benefit of himself and other members of such religious organization, religious association, or race. Any damages recovered by any such plaintiff shall be held by him as trustee for such religious organization or religious association; or in the case of a race, it shall be held by him as trustee for any eleemosynary institution which he shall designate as beneficiary in his complaint.

SEC. 4. Section 46d is added to said code, to read:

46d. It shall be a complete defense to an action of defamation to show (1) that the charges are true or (2) that the religious organization or religious association was, in fact, a seditious organization or association operating under the guise of religion for the purpose, directly or indirectly to advocate, carry on, teach, aid or abet a program of sabotage, or treason, or by force and violence to overthrow the Government of the United States or of this State.

SEC. 4. Section 46e is added to said code, to read:

46e. The provisions of this act shall not prevent or make unlawful in any manner whatsoever the publication of any item of news in a bona fide newspaper of general circulation.

SEC. 6. If any provision added or amended by this act or the application thereof to any person or circumstances, is held invalid, the remainder of the amendments or additions, or the application of such provision to other persons or circumstances, shall not be affected thereby.

INTRODUCED BY SENATOR SWAN

January 30, 1943

REFERRED TO COMMITTEE ON TRANSPORTATION

An act to add Section 171 to the Vehicle Code, relating to the registration and operation of vehicles owned by aliens.

The people of the State of California do enact as follows:

1 SECTION 1. Section 171 is hereby added to the Vehicle Code,
2 to read as follows:

3 171. Registration and Operation of Vehicles Owned by
4 Aliens. No motor vehicle subject to registration owned by
5 an alien may be registered unless such alien files with his appli-
6 cation proof of ability to respond in damages of a character
7 and in the amount specified in Section 414.

8 No alien owner of a motor vehicle subject to registration
9 may operate such vehicle in this State unless such alien has
10 on file with the Department of Motor Vehicles the proof of
11 ability to respond to damages mentioned in the preceding
12 paragraph.

T1.51

SENATE BILL

No. 1293

INTRODUCED BY SENATOR BURNS

May 19, 1945

REFERRED TO COMMITTEE ON JUDICIARY

An act to amend "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and approved by electors November 2, 1920, relating to aliens and to persons of Japanese ancestry or other ancestry ineligible to citizenship under the naturalization laws of the United States who owe any allegiance to any foreign government, emperor, prince or potentate; to the escheat of certain property holdings, including watercraft, and to procedure relating thereto.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7 of the act referred to in the title hereof
- 2 is amended to read:
- 3 Sec. 7. Any real property hereafter in fee acquired in fee
- 4 in violation of the provisions of this act by an ~~any~~ alien men-
- 5 tioned in Section 2 of this act, or by any company, association,
- 6 or corporation mentioned in Section 3 of this act, or by any
- 7 person of Japanese ancestry or other ancestry ineligible to
- 8 citizenship under the naturalization laws of the United States
- 9 who owes any allegiance to any foreign government, emperor,
- 10 prince or potentate, shall escheat as of the date of such acquir-
- 11 ing, to, and become and remain the property of the State of
- 12 California. The Attorney General or the district attorney of
- 13 the proper county shall institute proceedings to have the
- 14 escheat of such real property adjudged and enforced in the
- 15 manner provided by Section 474 of the Political Code and Title

1 8, Part 3 of the Code of Civil Procedure. Upon the entry of
 2 final judgment in such proceedings, the title to such real prop-
 3 erty shall pass to the State of California, as of the date of such
 4 acquisition in violation of the provisions of this act. The pro-
 5 visions of this section and of Sections 2 and 3 of this act shall
 6 not apply to any real property hereafter acquired in the
 7 enforcement or in satisfaction of any lien now existing upon
 8 or interest in such property so long as such real property so
 9 acquired shall remain the property of the alien, company, asso-
 10 ciation or corporation such creditor acquiring the same in such
 11 manner. No alien, company, association or corporation, men-
 12 tioned in Section 2 or Section 3 hereof or person of Japanese
 13 ancestry or other ancestry ineligible to citizenship under the
 14 naturalization laws of the United States who owes any alleg-
 15 iance to any foreign government, prince or potentate shall hold
 16 for a longer period than six months ~~two years~~ the possession of
 17 any real property agricultural land acquired in the enforce-
 18 ment of or in satisfaction of a mortgage or other lien hereafter
 19 made or acquired in good faith to secure a debt.

20 Sec. 2. Section 8 of the said act is amended to read :

21 Sec. 8. Whenever any watercraft or any right or interest
 22 in watercraft or any leasehold or other interest in real prop-
 23 erty, including cropping contracts which are hereby declared
 24 to constitute an interest in real property, but excluding inter-
 25 ests in real property covered by Section 7 of this act, is here-
 26 after created by any landlord or owner and acquired by any
 27 alien mentioned in Section 2 of this act, or any company, asso-
 28 ciation or corporation mentioned in Section 3 of this act, or by
 29 any person of Japanese ancestry or other ancestry ineligible to
 30 citizenship under the naturalization laws of the United States
 31 who owes any allegiance to any foreign government, emperor,
 32 prince or potentate in violation of the provisions of this act,
 33 then and in such event, all of the right, title ownership and/or
 34 interest of such landlord or owner person, company, association
 35 or corporation in and to said the watercraft or real property,
 36 and all of the right, title and interest of any such other than a
 37 landlord or owner who has not acted in good faith and after
 38 reasonable investigation, and the interest of such alien or such
 39 company, association, or corporation, in the real property shall
 40 escheat to the State of California as of the date of the creation
 41 and acquiring in violation of the provisions of this act. The
 42 Attorney General or the district attorney of the proper county
 43 shall institute proceedings against both such landlord or such
 44 owner and such alien mentioned in Section 2 of this act person,
 45 or such company, association or corporation mentioned in Sec-
 46 tion 3 of this act, to have such escheat adjudged and enforced
 47 in the same manner as is provided in Section 7 of this act. In
 48 the event that the interest of such landlord or owner is an inter-
 49 est less than the whole or fee, then in such proceedings the court
 50 shall determine the value of all of the right, title, and interest
 51 of such landlord or owner, if any, and such alien, person, com-

1 pany, association, or corporation, as of the date of such acqui-
 2 sition in violation of the provisions of this act, and enter judg-
 3 ment for the State for the amount thereof together with costs.
 4 Thereupon the court shall order the sale of the right, title and
 5 interest of such landlord or owner and such person, alien or
 6 such company, association, or corporation as provided in Sec-
 7 tion 1271 of the Code of Civil Procedure. Upon the confirma-
 8 tion of such sale the court shall fix and determine the total costs
 9 and expenses of the county in which the case is tried in prepar-
 10 ing and prosecuting such escheat cause, and same shall there-
 11 upon be repaid to said county out of the proceeds of the sale and
 12 the balance shall be paid into the State treasury.

13 The provisions of this section shall not apply to any water-
 14 craft or real property, hereafter acquired in the enforcement
 15 or satisfaction of any lien now existing upon or interest in such
 16 property so long as such watercraft or real property so acquired
 17 shall remain the property of the alien, person, company, asso-
 18 ciation, or corporation acquiring the same in such manner. No
 19 alien, company, association or corporation, mentioned in Sec-
 20 tion 2 or in Section 3 of this act, or any person of Japanese
 21 ancestry or other ancestry ineligible to citizenship under the
 22 naturalization laws of the United States who owes any allegiance
 23 to any foreign government, emperor, prince or potentate, or
 24 any company or association or corporation mentioned in Section
 25 3 of this act shall hold for a longer period than six months ~~two~~
 26 years in possession of any agricultural land or watercraft or
 27 interest in either, acquired in the enforcement of or in satisfac-
 28 tion of a mortgage or other lien hereafter made or acquired in
 29 good faith to secure a debt.

30 The provisions of this section shall not operate to divest any
 31 bona fide interest of any person, firm, corporation, or associa-
 32 tion, which is acquired in good faith and for value and not in
 33 violation of this act prior to the filing of a notice of lis pendens
 34 in connection with an action for escheat under the provisions of
 35 this act.

36 Any share of stock or the interest of any member in a com-
 37 pany, association or corporation hereafter acquired in violation
 38 of the provisions of Section 3 of this act shall escheat to the
 39 State of California as of the date of such acquiring, and it is
 40 hereby declared that any such share of stock or the interest of
 41 any member in such a company, association or corporation so
 42 acquired in violation of the provisions of Section 3 of this act
 43 is an interest in real property. Such escheat shall be adjudged
 44 and enforced in the same manner as is provided in this section
 45 for the escheat of a leasehold or other interest in real property.

46 Sec. 3. Section 9a of the said act is amended to read :

47 Sec. 9a. In any action or proceeding, civil or criminal, by
 48 the State of California, or the people thereof, under any of the
 49 provisions of this act, when the proof introduced by the State,
 50 or the people thereof, establishes the acquisition, possession,
 51 enjoyment, use, cultivation, occupation, or transferring of real
 52 property or any interest therein, or the having in whole or in

1 part of the beneficial use thereof by any defendant, or any of
 2 such facts, and the complaint, indictment or information alleges
 3 the alienage and ineligibility to United States citizenship or the
 4 *Japanese ancestry or other ancestry ineligible to citizenship*
 5 *under the naturalization laws of the United States and allegi-*
 6 *ance to any foreign government, emperor, prince or potentate* of
 7 such defendant, the burden of proving citizenship or eligibility
 8 to citizenship or lack of Japanese ancestry or other ancestry
 9 *ineligible to citizenship under the naturalization laws of the*
 10 *United States and allegiance to any foreign government,*
 11 *emperor, prince or potentate* shall thereupon devolve upon such
 12 defendant.

13 SEC. 4. Section 9b of the said act is amended to read:

14 SEC. 9b. In any action or proceeding s, civil or criminal, by
 15 the State of California, or the people thereof, under any of the
 16 provisions of this act, when the complaint, indictment, or infor-
 17 mation, alleges the alienage, and ineligibility to United States
 18 citizenship or the *Japanese ancestry or other ancestry ineligible*
 19 *to citizenship under the naturalization laws of the United States*
 20 *and allegiance to any foreign government, emperor, prince or*
 21 *potentate*, of any defendant, proof by the State, or the people
 22 thereof, of the acquisition, possession, leasing, enjoyment, use,
 23 cultivation, occupation, or transferring of real property or any
 24 interest therein, or the having in whole or in part of the bene-
 25 ficial use thereof by such defendant, or of any such facts, and
 26 in addition proof that such defendant, is a member of a race
 27 ineligible to citizenship under the naturalization laws of the
 28 United States, shall create a prima facie presumption of the
 29 ineligibility to citizenship and *allegiance to a foreign govern-*
 30 *ment, emperor, prince or potentate* of such defendant, and the
 31 burden of proving citizenship or eligibility to citizenship or
 32 *lack of Japanese ancestry or other ancestry ineligible to citizen-*
 33 *ship under the naturalization laws of the United States and*
 34 *allegiance to any foreign government, emperor, prince or poten-*
 35 *tate* as a defense to any such action or proceeding shall there-
 36 upon devolve upon such defendant.

37 The Legislature hereby declares that its purpose in adopting
 38 this section is not to modify, limit or affect in any manner the
 39 provisions of Section 9a of this act.

40 SEC. 5. Section 9c is added to said act, to read:

41 SEC. 9c. Ownership of real property by persons of ancestry
 42 ineligible to citizenship. Notwithstanding any other provision
 43 of this act no person of Japanese ancestry or other ancestry not
 44 eligible to citizenship under the naturalization laws of the
 45 United States who owes any allegiance to any foreign govern-
 46 ment, emperor, prince or potentate shall acquire, possess, lease
 47 or transfer real property, or any interest therein, in this State.

48 SEC. 6. Section 9d is added to said act, to read:

49 SEC. 9d. Ownership of watercraft by persons of ancestry
 50 ineligible to citizenship. No person of Japanese ancestry or of
 51 other ancestry not eligible to citizenship under the naturali-
 52 zation laws of the United States who owes any allegiance to

1 any foreign government, emperor, prince or potentate shall
 2 acquire, possess, lease, charter, enjoy or transfer any water-
 3 craft, or any interest therein, in this state.

4 SEC. 7. Section 9e is added to said act, to read:

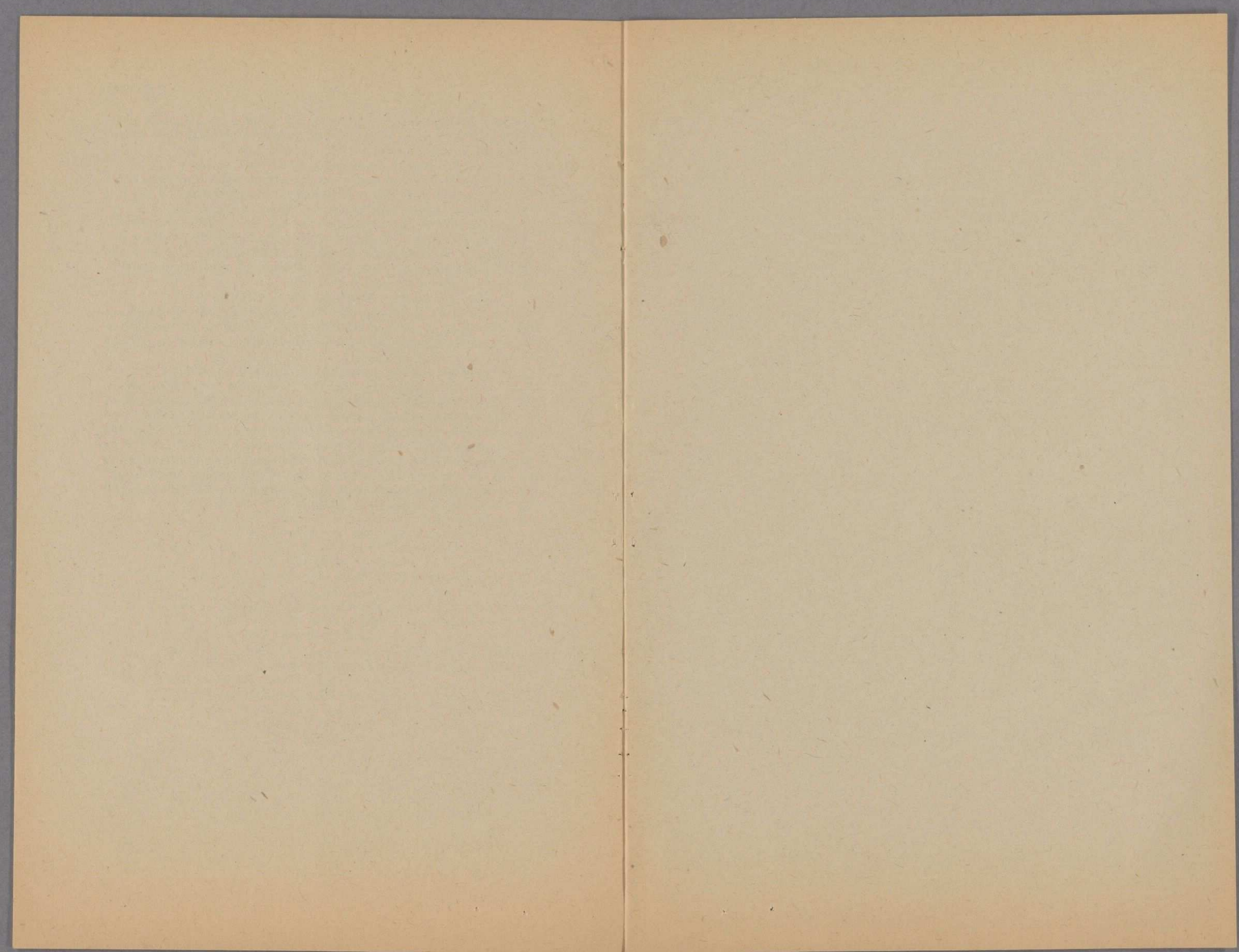
5 SEC. 9e. Transfer of real property or watercraft to persons
 6 of ancestry ineligible to citizenship. No person shall sell, give,
 7 transfer, assign, lease, charter or loan any real property or any
 8 watercraft, or any interest in any real property or watercraft,
 9 to any person of Japanese ancestry or of other ancestry not
 10 eligible to citizenship under the naturalization laws of the
 11 United States who owes any allegiance to any foreign govern-
 12 ment, emperor, prince or potentate.

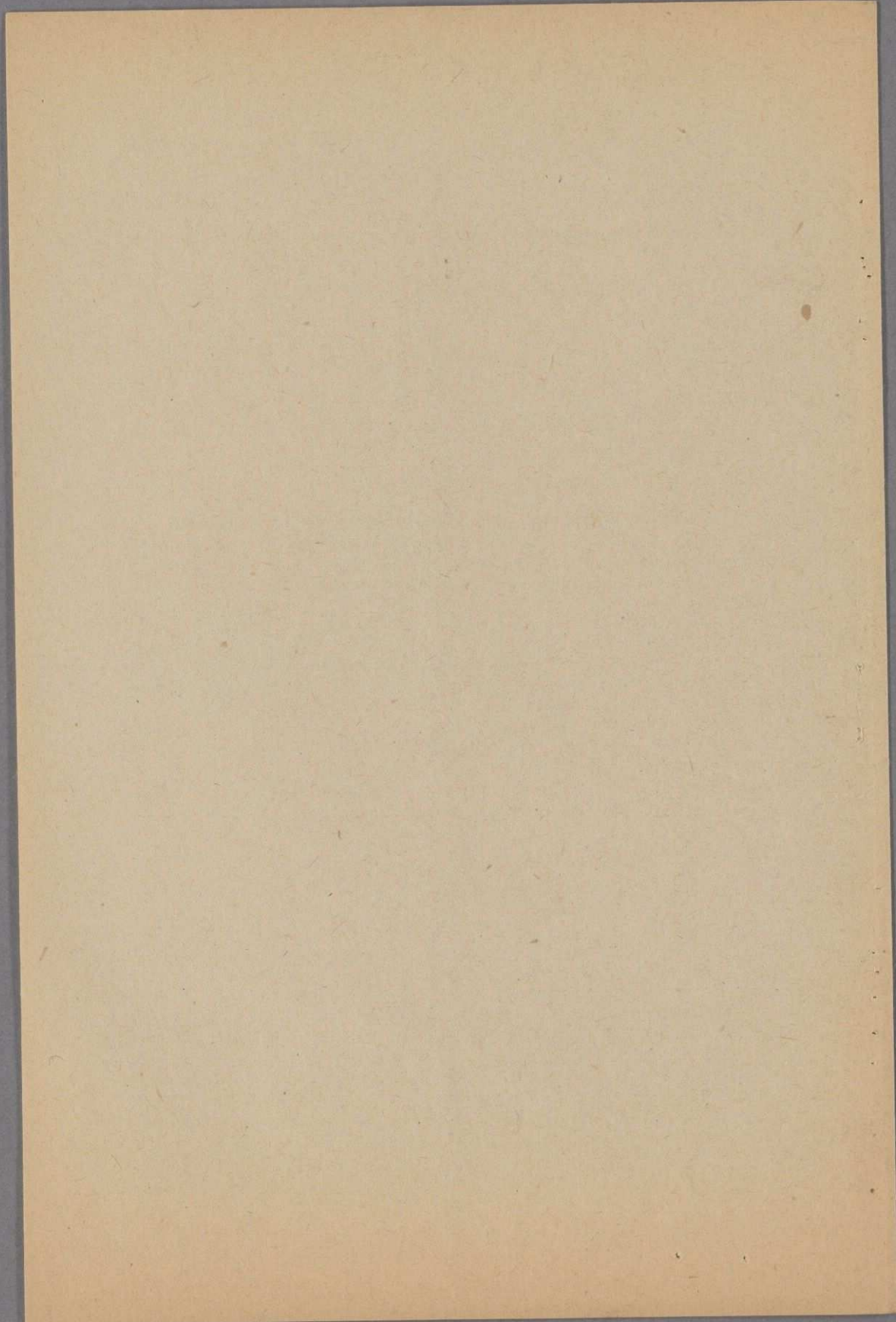
13 SEC. 8. Section 13 is added to said act, to read:

14 SEC. 13. Enforcement. The Attorney General shall appoint
 15 and employ such number of deputies, clerks, stenographers,
 16 and investigators as may be reasonably necessary to enforce
 17 the provisions of this act.

18 SEC. 9. Section 14 is added to said act, to read:

19 SEC. 14. Appropriation for expenses of enforcement.
 20 There is hereby appropriated to the Attorney General out of
 21 the unappropriated reserve funds of the State the sum of one
 22 hundred thousand dollars (\$100,000) per year to defray the
 23 expense of enforcing the provisions of this act, and paying the
 24 salaries of such deputies, clerks, stenographers and investigators
 25 as the Attorney General may appoint and employ for such pur-
 26 pose. All funds not used for the enforcement of this act shall
 27 be returned to the General Fund.





INTRODUCED BY SENATOR BURNS

May 22, 1945

REFERRED TO COMMITTEE ON JUDICIARY

An act to exclude disloyal persons from courts of justice in civil cases.

The people of the State of California do enact as follows:

1 SECTION 1. Whenever any civil suit shall be pending in any
2 court of record in this State, the defendant, or one of several
3 defendants, or his attorney, may, at any time after the com-
4 mencement of the action or the filing of the complaint therein,
5 serve upon the plaintiff, if a natural person, or his attorney, a
6 written notice, objecting to the further prosecution of said suit,
7 on the ground of the disloyalty of the plaintiff; and thereupon
8 all proceedings in said suit shall be stayed until said plaintiff
9 shall take and subscribe, before some officer authorized to admin-
10 ister oaths, and shall file in said cause, an affidavit in the follow-
11 ing form, to wit:

12 "I, (here insert the name of the plaintiff,) do solemnly swear
13 that I will support the Constitution of the United States and
14 the Constitution of the State of California; that I will bear
15 true faith and allegiance to the Government of the United
16 States, any ordinance, resolution, or law of any State or Terri-
17 tory, or of any Convention or Legislature thereof, to the con-
18 trary notwithstanding; that I have not, since the (here insert
19 the date of the passage of this act) knowingly aided, encour-
20 aged, countenanced, or assisted, nor will I hereafter, in any
21 manner aid, encourage, countenance, or assist any country in
22 its war against the United States nor have I adhered to its
23 enemies or given them aid or comfort, nor will I hereafter adhere
24 to its enemies or give them aid or comfort; nor have I since said
25 date had knowledge of and concealed any treason against the
26 United States, nor will I hereafter conceal any knowledge of
27 treason against the United States; and this I do without any
28 qualification or mental reservation whatsoever. So help me
29 God."

1 And if the said plaintiff shall fail to take and file said oath
2 within 10 days after the giving of such notice, if a resident of
3 the county, or within 40 days, if a resident of the State and
4 not of the county, or if not a resident of the State, then within
5 such further reasonable time as the court or a judge thereof
6 may determine, said case shall thereupon be absolutely dis-
7 missed, and no other suit shall ever be maintained by the said
8 plaintiff, his grantees or assigns, for the same cause of action;
9 provided, that the time may, for cause shown, be enlarged by
10 the court or a judge thereof, and that the court may relieve
11 against any forfeiture or default arising from accident, sur-
12 prise, or excusable neglect; and, provided, that where the plain-
13 tiff sues as a trustee, or to the use of another, the oath may be
14 taken by the person for whose benefit the action is prosecuted;
15 and, further, provided, that when the plaintiff is a foreigner
16 by birth, who has never been naturalized, nor declared his inten-
17 tion to become a citizen of the United States, he may take and
18 file the following oath:

19 "I, (inserting his name,) do solemnly swear that I will not,
20 at any time, or in any manner, aid, encourage, countenance, or
21 assist any country in its war against the United States, and that
22 I will not, while a resident of the United States, knowingly com-
23 mit or encourage any act tending to subvert the Constitution or
24 Government thereof. So help me God."

25 SEC. 2. If a counter claim shall be set up, or new matter be
26 affirmatively pledged by the defendant in any suit, the plain-
27 tiff may, at any time after the filing of the answer, give or cause
28 to be given to the defendant, if a natural person, or his attor-
29 ney, a similar notice to the one provided for in the preceding
30 section, objecting, on like ground, to the introduction of such
31 counter claim or affirmative matter, and thereupon, if the
32 defendant shall fail to make and file a like oath, within the
33 respective times in the said section above limited, such counter
34 claim or new matter shall be disregarded by the court, and the
35 cause shall proceed as if the same had not been pleaded, and
36 no suit shall ever be maintained by the said defendant, his
37 grantees or assigns, for the same cause or matter.

38 SEC. 3. No attorney at law shall be permitted to practice in
39 any court in this State until he shall have taken and filed in the
40 office of the county clerk of the county in which the attorney
41 shall reside, the oath prescribed in this act; and for every viola-
42 tion of the provisions of this section, the attorney so offending
43 shall be considered guilty of a misdemeanor, and on conviction,
44 shall be fined in the sum of one thousand dollars (\$1,000).

INTRODUCED BY SENATOR TENNEY

May 7, 1945

REFERRED TO COMMITTEE ON RULES

Senate Concurrent Resolution No. 48—Relative to the creation of a Joint Committee to be known as the California Council on the Japanese Problem.

1 WHEREAS, There is evidence that many persons of Japanese
2 ancestry who resided in this State prior to the war are actually
3 or potentially disloyal; and

4 WHEREAS, These tendencies are believed to be engendered or
5 aggravated by the dissimilarities between the Shinto-Kodo-
6 Bushido dogmas of the Orient and the western culture of the
7 Americas; and

8 WHEREAS, Much information on the problem of assimilation
9 can be obtained from both a first-hand examination of the
10 experience in California over the past 40 years, and a study
11 and coordination of the results of independent sociological,
12 economic and political research which has already been under-
13 taken or would with proper encouragement be undertaken; now,
14 therefore, be it

15 *Resolved by the Senate of the State of California, the Assem-*
16 *bly thereof concurring, as follows:*

17 1. A Joint Committee, to be known as the California Council
18 on the Japanese Problem, is hereby created and appointed and
19 authorized and directed to ascertain, study and analyze all
20 facts relating to the sociological, economic and political prob-
21 lems involved in the assimilation of persons of Japanese ances-
22 try, including but not limited to their cooperative qualities and
23 living standards, political control of them exerted through their
24 religion, their practices in agricultural and horticultural grow-
25 ing and marketing, and in the fishing industry, their divergent
26 responsibilities under dual citizenship, and their practices with
27 respect to the anti-alien land law and miscegenation statutes,
28 together with the operation, effect, administration, enforcement

1 and needed revision of any and all laws in any way bearing upon
2 or relating to the subject of this resolution, and to report thereon
3 to the Legislature, including in the reports its recommendations
4 for appropriate legislation.

5 2. The council shall consist of the President pro tem of the
6 Senate and five other members of the Senate appointed by the
7 Committee on Rules thereof, and the Speaker, Speaker pro tem,
8 and eight other members of the Assembly, appointed by the
9 Speaker thereof. Vacancies occurring or existing in the mem-
10 bership of the council shall be filled by the appointing power.

11 3. The council is authorized to act during this session of the
12 Legislature, including any recess, and after final adjournment
13 until the commencement of the next regular session, with
14 authority to file its final report not later than the fifteenth
15 legislative day of the next regular session.

16 4. The council and its members shall have and exercise all of
17 the rights, duties and powers conferred upon investigating
18 committees and their members by the provisions of the Joint
19 Rules of the Senate and Assembly as they are amended from
20 time to time, which provisions are incorporated herein and
21 made applicable to this Council and its members.

22 5. The Council has the following additional powers and
23 duties:

24 (a) To select a chairman and a vice chairman from its mem-
25 bership.

26 (b) To cooperate with and secure the cooperation of county,
27 city, city and county, and other local law enforcement agencies
28 in investigating any matter within the scope of this resolution
29 and to direct the sheriff of any county to serve subpoenas, orders
30 and other process issued by the council.

31 (c) To report its findings and recommendations to the Legis-
32 lature and to the people from time to time and at any time, not
33 later than herein provided.

34 (d) To do any and all other things necessary or convenient
35 to enable it fully and adequately to exercise its powers, perform
36 its duties, and accomplish the objects and purposes of this reso-
37 lution.

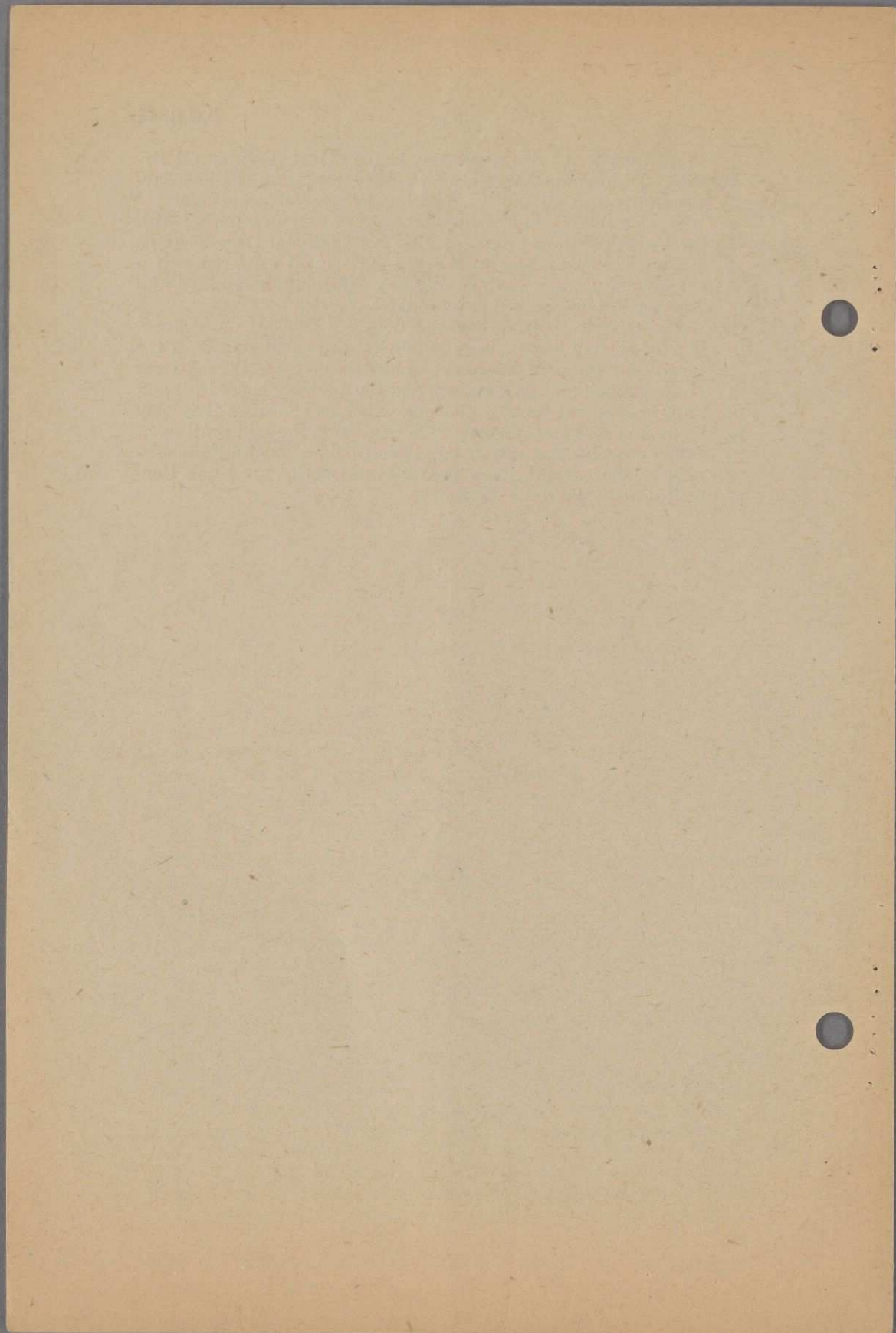
38 6. An advisory committee to the Council is hereby created, to
39 consist of ten nonlegislative members appointed by the Council,
40 the appointees to include the Lieutenant Governor, the Director
41 of Agriculture, the Legislative Council and the Legislative
42 Auditor, which shall aid, advise and counsel the council in the
43 studies conducted by the latter in carrying out the purposes of
44 this resolution. The advisory committee shall have and exer-
45 cise such powers and duties as shall be defined from time to time
46 by the council within the scope of the powers and duties com-
47 mitted to the latter by this resolution. Members of the advisory
48 committee shall be entitled to the same mileage and expenses, or
49 the allowance in lieu thereof, as members of the Council.

50 7. The council and its advisory committee shall consult with
51 and assist any other person or group engaged in research on the

1 subject matter of this resolution, to the extent they deem desir-
2 able. Insofar as compatible with other work, they shall encour-
3 age forum discussion of the problem by interested persons.

4 8. The council shall cooperate in every way practicable with
5 the United Nations Conference on International Organizations
6 at San Francisco, and with every subsequent conference of a
7 similar nature, and shall supply any information obtained and
8 any conclusions reached upon request thereby.

9 9. The sum of fifty thousand dollars (\$50,000) or so much
10 thereof as may be necessary is hereby made available from the
11 contingent funds of the Senate and Assembly for the expenses
12 of the council and its members and the advisory committee and
13 its members and for any charges, expenses or claims they may
14 incur under this resolution, to be paid from the said contingent
15 funds equally, and disbursed, after certification by the chair-
16 man of the council, upon warrants drawn by the State Con-
17 troller upon the State Treasurer.



INTRODUCED BY SENATORS TENNEY, FLETCHER, BURNS,
SALSMAN, CUNNINGHAM, SEAWELL, HULSE, SUTTON,
WEYBRET, CRITTENDEN, BROWN, DILWORTH, DEUEL,
MAYO, DILLINGER, POWERS, KEATING, MIXTER, BIGGAR,
AND McBRIDE

May 18, 1945

REFERRED TO COMMITTEE ON JUDICIARY

Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 17 of Article I thereof, relating to the ratification of certain amendments to an act entitled, "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and approved by the electors November 2, 1920.

1 WHEREAS, The initiative act hereinafter referred to was
2 adopted by the vote of the electors and for that reason is not
3 constitutionally subject to amendment except by a vote of the
4 electors, unless otherwise provided in the measure; and

5 WHEREAS, Said measure provides that the Legislature may
6 amend it in furtherance of its purpose and to facilitate its oper-
7 ation, and the acts of the Legislature hereinafter referred to
8 were enacted in furtherance of said aims; and

9 WHEREAS, The question whether the acts or any of them are
10 or are not in furtherance of the purpose of said initiative act or
11 to facilitate its operation, might be raised in attempts to defeat
12 the purposes of said acts and of said initiative measure, and for

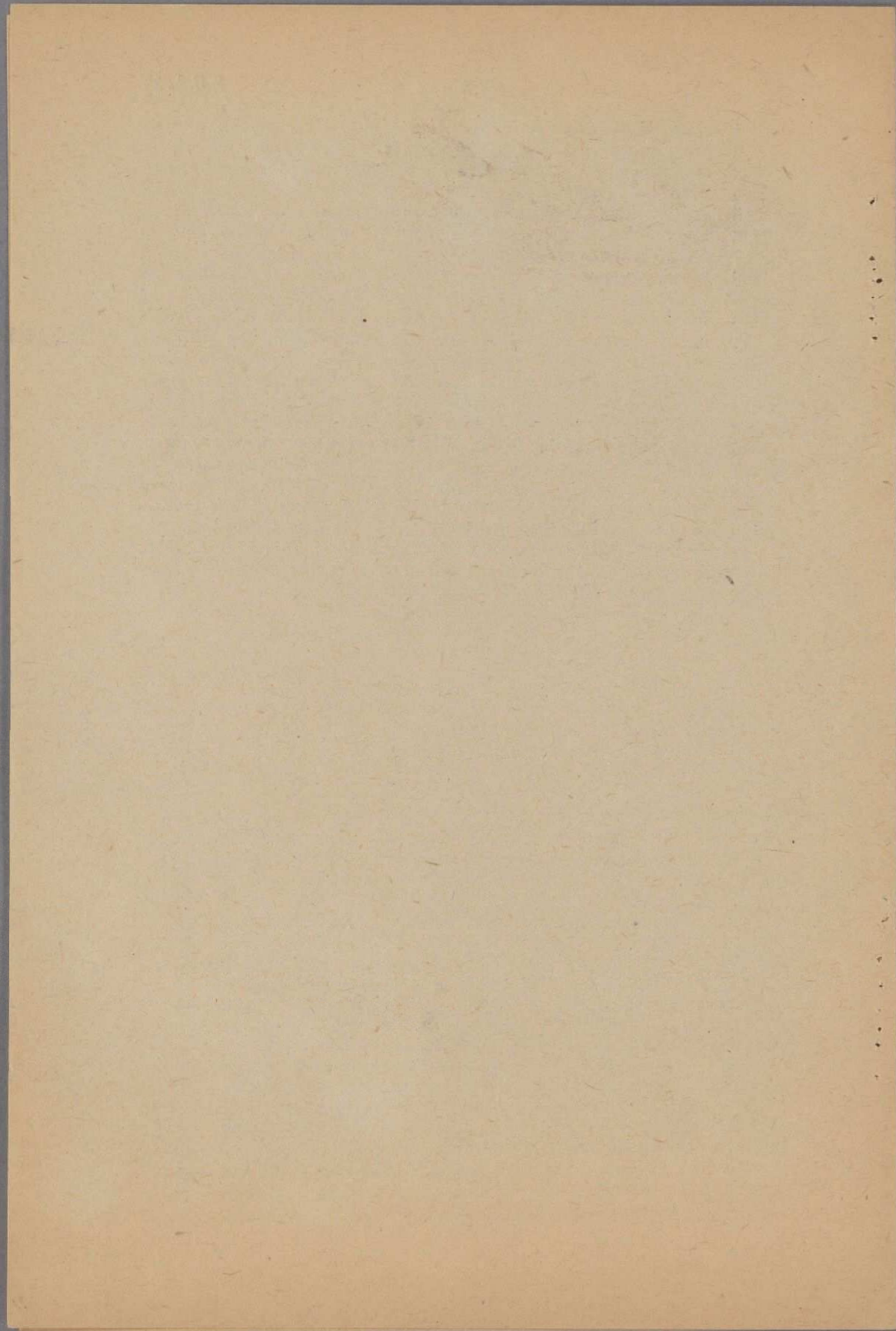
1 that reason it is desirable that the validity of said amending acts
2 be established beyond question; now, therefore, be it

3 *Resolved by the Senate of the State of California, the Assem-*
4 *bly thereof concurring,* That the Legislature of the State of
5 California at its Fifty-sixth Regular Session commencing on the
6 eighth day of January, 1945, two-thirds of the members elected
7 to each of the two houses of the Legislature voting therefor,
8 hereby proposes to the people of the State of California that
9 Section 17 of Article I of the Constitution of the State of Cali-
10 fornia be amended to read as follows:

11 SEC. 17. Foreigners of the white race or of African descent,
12 eligible to become citizens of the United States under the nat-
13 uralization laws thereof, while bona fide residents of this State,
14 shall have the same rights in respect to the acquisition, posses-
15 sion, enjoyment, transmission, and inheritance of all property,
16 other than real estate, as native born citizens; provided, that
17 such aliens owning real estate at the time of the adoption of this
18 amendment may remain such owners; and provided further,
19 that the Legislature may, by statute, provide for the disposition
20 of real estate which shall hereafter be acquired by such aliens
21 by descent or devise.

22 *The provisions of an act entitled "An act to amend an act*
23 *entitled 'An act relating to the rights, powers and disabilities*
24 *of aliens and of certain companies, associations and corporations*
25 *with respect to property in this State, providing for escheats in*
26 *certain cases, prescribing the procedure therein, requiring*
27 *reports of certain property holders to facilitate the enforcement*
28 *of this act, prescribing penalties for violation of the provisions*
29 *hereof, and repealing all acts or parts of acts inconsistent or in*
30 *conflict herewith,' submitted by the initiative and adopted and*
31 *approved by the electors of the State of California, November*
32 *2, 1920, by amending Sections 1, 2, 3, 4, 5, 7, 8, 9, 10 and 11*
33 *thereof," approved June 20, 1923, and of an act entitled "An*
34 *act to amend Section 8 and to repeal Sections 4 and 10 of, and*
35 *to add Sections 4, 10a, 10b, 10c, 11a, and 12a to, an act entitled*
36 *'An act relating to the rights, powers and disabilities of aliens*
37 *and of certain companies, associations and corporations with*
38 *respect to property in this State, providing for escheats in cer-*
39 *tain cases, prescribing the procedure therein, requiring reports*
40 *of certain property holdings to facilitate the enforcement of this*
41 *act, prescribing penalties for violation of the provisions hereof,*
42 *and repealing all acts or parts of acts inconsistent or in conflict*
43 *herewith,' approved by the electorate November 2, 1920, relat-*
44 *ing to the rights, powers and disabilities of aliens and of cer-*
45 *tain companies, associations and corporations with respect to*
46 *contracts for the use, leasehold or other interest in real prop-*
47 *erty less than the fee, including cropping contracts, providing*
48 *for escheats in certain cases, prescribing the procedure therein,*
49 *defining the powers and duties of the Attorney General or the*
50 *district attorney of the proper county in reference thereto, pro-*
51 *viding as to the duties, powers and authority of any alien*
52 *appointed by any court as guardian of his native-born minor*

1 *child or children, or as guardian of any other person, or per-*
2 *sons, and prescribing the procedure in such cases, and to pro-*
3 *vide a penalty," approved June 8, 1943; and of an act entitled*
4 *"An act to amend 'An act relating to the rights, powers and*
5 *disabilities of aliens and of certain companies, associations and*
6 *corporations with respect to property in this State, providing*
7 *for escheats in certain cases, prescribing the procedure therein,*
8 *requiring reports of certain property holdings to facilitate the*
9 *enforcement of this act, prescribing penalties for violation of*
10 *the provisions hereof, and repealing all acts or parts of acts*
11 *inconsistent or in conflict herewith,' submitted by the initiative*
12 *and approved by electors November 2, 1920, relating to aliens*
13 *and to persons of Japanese ancestry or other ancestry ineligible*
14 *to citizenship under the naturalization laws of the United States*
15 *who owe any allegiance to any foreign government, emperor,*
16 *prince or potentate; to the escheat of certain property holdings,*
17 *including watercraft, and to procedure relating thereto,"*
18 *approved in 1945, are hereby confirmed, ratified and declared*
19 *to be fully and completely effective. Nothing in this section*
20 *shall be construed to affect the right of the Legislature to amend*
21 *said initiative act approved by the electors November 2, 1920,*
22 *as amended by said subsequent acts, in furtherance of its pur-*
23 *pose and to facilitate its operation.*



AMENDED IN SENATE JUNE 15, 1945

Senate Joint Resolution

No. 30

INTRODUCED BY SENATORS TENNEY AND BURNS

June 4, 1945

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS

Senate Joint Resolution No. 30—Relative to requesting the President and Congress to obtain from the office of Navy Intelligence, the office of Army Intelligence and the Federal Bureau of Investigation reports on all Japanese aliens and American citizens of Japanese ancestry released or to be released to the West Coast, and to make such reports available as a public document.

1 WHEREAS, The problem of release to the West Coast of Jap-
2 anese aliens and American-born Japanese is one bewildering in
3 its complexity, delicate in its ramifications, and of vital concern
4 to the well-being of this area, demanding the utmost caution by
5 the United States Government in proceeding with such release;
6 and

7 WHEREAS, An equitable and just solution of the problem lies
8 somewhere between the vigorous opposition to release as
9 expressed by anti-Japanese groups, alleged to be motivated in
10 some instances by racism and prospects of economic gain, and
11 the naive acquiescence to release as evidenced by pro-Japanese
12 groups who, on peacetime constitutional principles, opposed
13 even the original evacuation, without consideration of the duty
14 of the military authorities to take such action as they deemed
15 militarily necessary in a state of extreme emergency; and

16 WHEREAS, It is apparent to the people of California that a
17 true balance between these extreme pro and con views has not
18 yet been attained in the releases heretofore or now being effected
19 and that greater care should be exercised in determining which
20 of these Japanese are unquestionably loyal to this Country and,
21 as such, may be returned to the West Coast without endangering
22 its safety and security; and

23 WHEREAS, Secretary of Interior Harold Ickes and the War
24 Relocation Authority hold forth that Japanese now being
25 released from concentration camps have been thoroughly inves-
26 tigated by the F.B.I. before being released; and

1 WHEREAS, It is common knowledge that the F.B.I. or office of
2 Naval Intelligence or office of Army Intelligence has not been
3 consulted in reference to the character and integrity of the per-
4 sons being so released; or their loyalty to the United States; and

5 WHEREAS, Indicative of the lack of care now exercised by the
6 War Relocation Authority effecting such releases is the fact that
7 of the first five Japanese returned to one California county, all
8 have a history of espionage; and

9 WHEREAS, The Federal civil service is employing Japanese-
10 Americans against whom counterespionage cases may be filed at
11 any time; and

12 WHEREAS, Japanese-Americans and Japanese aliens with an
13 open and notorious and well known disloyal attitude are being
14 released to work in war plants and on wharves and docks; and

15 WHEREAS, Japanese-Americans and Japanese aliens are
16 now being released, thus enabling them to work in war plants
17 and on wharves and docks; and

18 WHEREAS, The releasing of the Japanese into the West Coast
19 is attended by the dangers of sabotage to their own property and
20 persons; and

21 WHEREAS, In view of the inscrutability of the Japanese people
22 and their non-assimilability into American life, there is extreme
23 difficulty in determining between the loyal and the disloyal, for
24 which no conclusive method is known; and

25 WHEREAS, It is common and record knowledge that literally
26 thousands of both American born and alien Japanese have
27 demanded to be expatriated and returned to Japan; now, there-
28 fore, be it

29 *Resolved by the Senate and Assembly of the State of Cali-*
30 *fornia, jointly, That the President and Congress are respect-*
31 *fully requested and urged to obtain from the office of Naval*
32 *Intelligence, the office of Army Intelligence and the Federal*
33 *Bureau of Investigation reports all pertinent and dependable*
34 *information available on all Japanese aliens and American*
35 *citizens of Japanese ancestry released or to be released to the*
36 *West Coast, and to make such reports available as a public*
37 *document, causing it to be widely distributed throughout the*
38 *West Coast area; and be it further to the West Coast, and, on*
39 *request, to make such information available to the several*
40 *governors, attorney generals and district attorneys throughout*
41 *the West Coast Area; and be it further*

42 *Resolved, That the Secretary of the Senate is directed to*
43 *transmit copies of this resolution to the President of the United*
44 *States, the President pro tempore of the Senate of the United*
45 *States, the Speaker of the House of Representatives of the*
46 *United States, and to each Senator and Representative from*
47 *California in the Congress of the United States.*

7/1.50

RESOLUTION

Adopted by the California State Board of Agriculture
Sacramento, December 20, 1943.

WHEREAS, it will be the responsibility of military authorities to determine the duration of that period of military necessity on the ground of which they decided early in 1942 to evacuate persons of Japanese ancestry from the Pacific Coast

THEREFORE BE IT RESOLVED that if and when the military authorities shall decide that military necessity no longer requires that persons of Japanese ancestry shall be excluded from this State, the California State Board of Agriculture in the light of that decision will use its influence to assure that race prejudice shall not jeopardize the lawful participation of this or any other group in the agricultural life and industry of this State, and be it

FURTHER RESOLVED that copies of this resolution be transmitted to the President of the United States, the Secretary of State, the Secretary of War, the Governor of California, and the California Congressional delegation.

Resolutions

S.F. Examiner. Jan. 29

In Sacramento Assemblyman Lloyd Lowrey of Rumsey, introduced a resolution in the Lower House, charging that WRA "has proved itself inefficient in handling the situation at Tule Lake," and adding that "recent outbreaks have menaced the peace and safety of residents in the entire area." He urged that the camp be broken up and its occupants moved inland under F B I jurisdiction.

A similar resolution is to be introduced in the upper house today by Senators Hugh Donnelly of Turlock, Herbert M. Slater of Santa Rosa, and Edwin J. Quinn of Eureka, members of an interim committee which investigated the November riots at Tule Lake.

WAR RELOCATION AUTHORITY

SAN FRANCISCO, CALIFORNIA, OFFICE
WHITCOMB HOTEL BUILDING

In reply, please refer to:

As you know, in answer to a request from you, we have previously sent you information regarding the program and policies of the War Relocation Authority. Due to your interest in our program, we are sending you herewith a copy of the "Dies Committee" report based on its recent investigation of this agency. We call your particular attention to the Recommendations of the majority on page 16 and the Summation of Herman P. Eberharter's minority report on page 28.

Very truly yours,

R. B. Cozzens
R. B. Cozzens
Field Assistant Director



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C O P Y

Talk Given by Chas. G. Johnson
Treasurer of the State of California

June 20, 1943

We are gathered hereto as loyal American men and women, devoted to the preservation of our American form of government, with an unswerving determination to go forward in defense of American thought and action as symbolized by the Stars and Stripes, our nation's flag.

In obedience to the mandates made necessary by our Commander-in-Chief and those Americans who constitute national authority, we are accepting every test and every sacrifice with a faith and fortitude of which American posterity will be proud.

On the battlefields of the world today the sons and daughters from our American homes are dying in the cause of righteous principles, the preservation of which must eventually bring about a universal freedom of all peoples of the world. In the accomplishment of this purpose, stern measures must unflinchingly be accepted as essential in the winning of victory, and those who hamper or obstruct these measures must, for the safety of all, be disciplined in proportion to the evil that they may perpetrate to defeat or obstruct these measures for which the loyal people of America are dedicated to preserve, even though it cost them their lives.

This is no time to placate or compromise with these evils. They must be rendered harmless at all costs.

The Dies Investigating Committee, acting under the authority of Congress, has shocked the people of California and the people of our nation with its disclosures of overt acts, disloyal efforts and criminal ingratitude on the part of the alien Japanese population now interned under military order. The large majority of these interns maintain dual citizenship. Others, inconvenienced by their incarceration, have made sympathetic appeals for liberation and for the enjoyment of those privileges now denied to them - privileges of which they proved unworthy by word and deed. These aliens would sabotage the security of our country.

In California there are many who now feel that the loss of Japanese labor, especially in the raising of fruits and vegetables, is creating unnecessary hardships and complications in our economic lives. This is a weak challenge to our ability to meet this situation.

There will be hundreds of thousands of soldiers returning from the battlefields of Europe, when that conflict is ended, who will be happy to engage in the production of fruits and vegetables on a sufficient scale to accommodate every housewife and household.

Disloyal Japanese should not be encouraged to prevent this opportunity for Americans who are able and willing to assume the responsibility. The inconvenience of the present situation is one of the sacrifices that we are willing to accept.

The war in Europe may terminate at an earlier period than the war in the Far East. Military authorities inform us that when the war is over in Europe, Japan will continue her savagery against America.

Visualize, if you please, the period of horror that China has endured at the hands of the Oriental criminal Japanese. Visualize, if you please, the inhuman acts of these savage people in their attack on Pearl Harbor. Visualize, if you please, the acts of barbarity now being practiced by the Japanese against our boys, the Australians and our other Allies in the Far East.

With the continuation of this barbaric struggle, the civilian population should feel no temerity in safeguarding the homefront against what the alien and disloyal Japanese in California can and will do to sabotage and commit other criminal acts to augment the war winning efforts of Japan.

Can you imagine the alien Japanese population now interned, resisting Japanese military authority in the event of Japan's invasion of California.

Our war with Japan may continue for several years. It is our American duty to protect American life and institutions against our enemies on the homefront.

We don't need Japanese in California. We don't want a Japanese influence in California. All disloyal and alien Japanese should be deported under military orders.

There are millions of white men interned in concentration camps in Europe and Asia who are not accorded the advantages and, I may say, the luxuries that are extended to our Japanese interns. The cost to the American taxpayers in according the interned Japanese these comforts is appalling. You and I and the men and women of tomorrow must deny themselves in order to liquidate this burden of costs.

America is and always has been tolerant toward our immigrants and aliens. The many acts of betrayal on the part of the Japanese have exhausted both our tolerance and our patience, to the end that we fail to make a logical segregation of the interns, notwithstanding the fact that there are some 15,000 Japanese American citizens now engaged in our armed forces and the reports of the Provost Marshal show approximately 40,000 of these now interned express their loyalty in every form submitted by the government.

America, and especially California is still reluctant to accept these actions and these pledges in good faith.

America has welcomed men and women of every nation. These men and women have assimilated themselves to the enjoyment of American life, and have become American law-abiding citizens. America wants no disloyal aliens - only Americans who are willing to subscribe to American principles and willing to preserve them for ourselves and for our future generations who will continue to appreciate and defend our American liberty and our American opportunities.

T1.50

EXTRACTS FROM SPEECH OF
ATTORNEY GENERAL ROBERT W. KENNY
AT SHERIFFS' MEETING IN SACRAMENTO
ON MARCH 16, 1945

With the determination by the War Department that military necessity no longer requires the exclusion of the Japanese-Americans from the West Coast, and the decision of the Supreme Court of the United States that the rights of the Japanese-Americans must be restored, these rights again are theirs. Remember-- and remind people--that this applies only to those whose loyalty to these United States has been determined and who are hence being allowed to leave the War Relocation Camps. Those rights are meaningful - and must be protected. And it is the duty of law enforcement officials to cast aside any personal prejudices they may have and fully to protect the returning Japanese-Americans.

Each of us has, I am sure, given much thought to this problem and to the effect their return will have on his own community. I wonder, though, how many of us have gone to the bottom of the thing: gone far enough to be able clearly to see some of the reasons behind the unwillingness of some people to allow their return without incident. There are several groups to be found among those who are stirring up trouble:

1. In every community, there are some - fortunately, not many in most places - who simply admit to a strong "race prejudice" which they do not excuse or explain, and even seem to take a mild pride in. In dealing with that group, the solution frequently lies in keeping it incoherent and not associated with an active body. Even our personal prejudices are protected in "freedom of thought".
2. The "hoodlums" are frequently found among juvenile delinquents or are youths who think it is "smart" at the moment to take positive action to follow through on some attitude expressed by their elders.
3. There are the professional inciters to violence who seem to feel that the vigilante-type approach proves their patriotism or who simply like to arouse the mob.
4. The "Jap-Baiters" want to fight not in the jungle or on a beach-head against regular troops, but safely at home against defenseless old men, women and children. Can we face our boys returning from overseas, where they have been fighting for the American way of life, if we permit such mistreatment?
5. Last and most vicious are those who cover their selfish economic urges with a pretense of patriotic motives. These are the people who shall be carefully watched, and whose efforts are most dangerous, since they do put on the guise of patriotism to clothe their real motives.

The more subtle attacks - resolutions by which large groups promise "not to do business with the Japs", paint "Jap-lover" signs on doors, or refuse to allow their children to attend the same schools - are more degrading, harder to handle, and result in even more deep-seated discrimination against these people. Actually, if we remember that none of us is doing business with "the Japs", we'll make more

headway. We can and should do business with the "Japanese-Americans". Most of those who are endeavoring to prevent the returning Japanese-Americans from being accepted in their communities were the most whole-hearted cooperators in the original order by which they were evacuated. Many in these same groups wilfully ignore the fact that it is only those who have been proved to be loyal to this country who are being allowed to return to their former homes. If these groups question the methods used by the Army and the War Relocation Authority in determining loyalty, they have a right to make that doubt known to those in charge. But while they are yelling for the "protection of the Coast and its defenses", they might try yelling "Japanese-Americans" instead of "Japs" - and some of their ardor might vanish.

The responsibility for the protection of these people does not stop with prevention of shooting. The protection of ~~their~~ basic rights - freedom from fear, freedom to earn their living, freedom to live as peaceful citizens - must also be maintained.

This situation is peculiarly one in which many groups need to cooperate whole-heartedly to assure results.

1. In every community, there are some - fortunately, not many in most places - who simply refuse to accept "these people" and who do not make an effort to explain, and even seem to take a little pride in. In dealing with that group, the solution frequently lies in keeping it in contact and not associating with a native body. Given our personal prejudices are protected in "freedom of thought"?
2. The "hoodlums" are frequently found among juvenile delinquents or are youths who think it is "cool" to be "out" at the moment in the positive action to follow through a some attitude expressed by their elders.
3. There are the professional inductees to violence who seem to feel that the vigilante-type approach proves their patriotism or who simply like to terrorize the mob.
4. The "hipsters" want to fight and in the jungle or on a porch - but against regular troops, but a lot of home against delinquents old men, women and children. Can we lose our boys returning from overseas, where they have been fighting for the American way of life, to be given such mistreatment?
5. Last and most vicious are those who cover their selfish economic urges with a pretense of patriotic motives. These are the people who shall be carefully watched, and whose efforts are most dangerous, since they do put on the guise of patriotism to cloak their real motives.

The more subtle attacks - resolutions by which large groups promise "not to do business with the Japs", "Jap-baiting", signs on doors, or refusal to allow their children to attend the same schools - are more insidious, harder to handle, and result in even more deep-seated discrimination against these people. Actually, if we remember that none of us is doing business with "the Japs", we'll make more