



Alien Land Laws *and the Issei*

by Kenji Murase, PH.D.

Photo: Four Issei farmers from Kumamoto-ken pose in their rented or leased farmyard near San Luis Obispo, c. 1912. Courtesy of Irene Y. Saiki.

The Issei, like no other immigrants, were denied the right to naturalization, prohibited from owning land, excluded from further entry and interned as enemy aliens. Yet they struggled, persevered and triumphed over enormous adversity, leaving a rich and enduring legacy to the generations to follow.

In the early 1900's, Issei immigrants were welcomed as laborers on California's corporate farms or as sharecroppers on white-owned lands. They were known to do work that no one else could or would do, such as clearing land of stumps and rocks, draining and reclaiming swamplands, and transforming deserts into productive farmland. By 1910, it is estimated that there were some 30,000 Issei working in some phase of farming in California. Of this number, possibly no more than 5,000 were independent farmers.

The Issei immigrant farm laborers, most of whom were of rural origin, were driven by an intense desire to farm their own piece of land. Farming symbolized independence, regular employment, financial security and the promise of family life. Under United States and Japanese governmental regulations, Issei farmers were permitted to summon their wives or wives-to-be from Japan.

Japanese immigrants who became farmers typically began as farm hands working for menial hourly wages, then moved on to sharecropping with white landowners, usually on a fifty-fifty basis. In the next stage, they leased the land for cash and became independent farmers who could then eventually buy their own farmland. However, relatively few enjoyed this option as it was next to impossible to accumulate enough savings.

Kanaye Nagasawa's Fountaingrove Winery was once one of the 10 largest wineries in California, c. 1900. Courtesy of Kosuke Ijichi.

Before 1920, Japanese farmers in California grew 13% of the state's crops while controlling less than 2% of the farmland.

For the white landowner, Japanese farmers were desirable as they willingly paid higher rents. Once settled, they improved and properly maintained the land. Moreover, they did not require the type of living quarters expected by white ten-

Issei Contribution to Agriculture

Recognition of the contributions of the Japanese to agriculture is reflected in a report to Governor William B. Stevens in 1921, by Colonel John P. Irish, president of the California Delta Association:

They [the Californians] had seen the Japanese convert the barren land like that at Florin and Livingston into productive and profitable fields, orchards and vineyards, by the persistence and intelligence of their industry. They had seen the hardpan and goose lands in the Sacramento Valley, gray and black with our two distinctive alkalis, cursed with barrenness like the fig tree of Bethany, and not worth paying taxes on, until Ikuta, the Japanese, decided that those lands would raise rice. After years of persistent toil, enduring heartbreaking losses and disappointments, he conquered the rebellious soil and raised the first commercial crop of rice in California. Due to the great work of this great

Japanese pioneer, this state now has a rice crop worth 60 million dollars [in 1921] and the land that he found worthless now sells for 200 dollars per acre.

Among their contributions to California agriculture, the Issei planted the first citrus groves in the San Fernando Valley and Riverside, Orange and San Bernardino Counties. They cultivated the earliest grape vineyards in the Lodi area, and fruit orchards in Placer County. They transformed the alkali regions of South El Monte and Venice into one of the richest celery and bunch vegetable areas of Southern California. They pioneered the development of fruit crops, strawberries, tomatoes and peas in Contra Costa County. The Issei developed the garlic industry in San Juan Valley and opened the first lettuce shed in Hollister. They introduced melon culture and truck gardening in the Delano region; and established the flourishing strawberry industry in the Watsonville area. They also started the flower and nursery industry in the San Francisco Bay Area and pioneered the cultivation of chrysanthemums.

Between 1910 and 1920, before the Alien Land Law of 1920, while controlling less than two percent of California farmland, Japanese farmers produced 13 percent of the total value of

Alien Land Laws (cont'd on p. 6)

Anti-Japanese sentiment whipped up by powerful agricultural interests, race-baiting newspapers and opportunistic politicians led to the **Alien Land Laws** of 1913 and 1920 and to the 'Japanese Exclusion Act' of 1924.



Fourth of July in front of the Watanabe Company in San Luis Obispo's Japantown, 1928. Courtesy of Irene Y. Saiki. Japanese Americans in Dallas, Texas, 1912. Courtesy of Yayoi Tsukahara. The Alien Land Laws prohibited Issei from owning or leasing business and residential property, as well as agricultural property.

"I want no alien, white, red, black or yellow, to own a foot of land in the State of California."
California State Legislator, 1909



California's agricultural production. They dominated the production of such truck crops as strawberries, asparagus, celery, beans and tomatoes, and were significant producers of rice, sugar beets and grain.

Given California's long anti-"Oriental" history, it was inevitable that the productivity and success of Japanese farmers would generate envy and hostility among their competitors and the white community. Earlier, the Chinese had been the targets of racial antagonism which culminated in the Chinese Exclusion Act of 1882, barring further Chinese immigration. Similarly, anti-Japanese sentiment was whipped up by powerful agricultural interests, race-baiting newspapers and opportunistic politicians. For example, in 1909, the San Francisco Chronicle reported the remarks made on the floor of the California Legislature in

support of an alien land bill that targeted Japanese farmers:

I would rather every foot of California was in its native wilderness than to be cursed by the foot of these invaders, who are a curse to the country, a menace to our institutions, and destructive of every principle of Americanism. I want no alien, white, red, black or yellow, to own a foot of land in the State of California.

Alien Land Laws of 1913 and 1920

The 1913 Alien Land law was the first legislation to deprive the Japanese of property rights. The law made no direct reference to the Japanese, referring only to "aliens ineligible to citizenship." By proscribing land ownership for ineligible aliens, it affected the purchase, not only of farmland, but also residential and business property. Its greatest impact was to prohibit individual Japanese and companies with a majority of Japanese stockholders from purchasing agricultural land and

limited the leasing of such land to three years. It also prohibited Japanese from bequeathing and selling to a fellow immigrant any land they already owned.

However, the 1913 Alien Land Law did not prevent an alien Japanese from buying farmland in the name of his American-born Nisei offspring, who were citizens by right of birth. Children could be listed as legal owners of property which was managed and operated on their behalf by their parents as legal guardians. Issei could also form landholding corporations with 51% of the stock held by American citizens, usually their attorneys.

The loopholes in the 1913 Alien Land Law were closed by the Alien Land Law of 1920, which was far more restrictive and punitive. Previously, only the State Attorney General could

Alien Land Laws (cont'd on p. 12)

Alien Land Laws (cont'd from p. 6)

initiate seizure of property for violation of the law. The 1920 law extended this power to local county district attorneys. Even property held by Nisei could be seized without compensation, if it could be proved that the land had been purchased illegally by an Issei. The new law further prohibited Issei parents from serving as guardians of property for their minor children, as such action was presumed to have been taken to evade the Alien Land Law and was therefore void. The property was thus subject to confiscation by the state. Moreover, to encourage prosecution of violations of the Alien Land Law, the counties were offered one-half of the proceeds from the sale of land confiscated from the Japanese. Buyers eager to profit from the forced sale of such property were waiting in line.

On top of the huge sacrifices made in disposing their property prior to internment, Japanese Americans continued to be threatened with further penalties. In 1945, at a time when

Japanese Americans were still interned in concentration camps, the California legislature appropriated \$200,000 to the State Department of Justice to expedite enforcement of the Alien Land Law. Between 1944 and 1948, some 80 cases were filed by state or county authorities to take over land held by the Nisei. The intended outcome was clearly to prevent the return of evacuee farmers to the state's agricultural industry. In the JACL's *Pacific Citizen* (February 2, 1946), editor Larry Tajiri wrote:

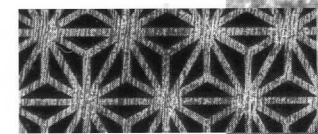
In 1940, 5,135 farms valued at approximately \$66,000,000 were owned by American Japanese in California. With the wartime increase in the value of land and crops, this is a windfall awaiting those who could prove that the deeds were illegal. One of the biggest land grabs in history is on in California. And the Golden State, now one of the richest, proudest and most populous in the nation, is

in the uncomfortable position of being the grabber.

The effects of full enforcement of the Alien Land Law of 1920 were reflected by the reduction of acreage owned by Japanese American farmers in California, from 74,769 acres in 1920 to 41,898 acres in 1925, or a drop of 44%. The leased acreage also dropped from the 1920 total of 313,150 acres to 76,397 acres in 1925, or by 76%. In 1918, there were some 8,000 Japanese farmers. By 1929, this figure was reduced by almost one half to 4,500. In large part, the loss of Japanese owned acreage was caused by the inability to make payments due on the property. Both the Yokohama Specie Bank and the Sumitomo Bank adhered to a policy of not lending money to Japanese immigrants, even though they held 80% of their savings. Given the precarious state of Japanese farms, American banks also refused to provide loans.

In his analysis of growth trends, Iwata estimates that had it not been for

After the Alien Land Law of 1920 was passed, California acreage owned by Japanese American farmers dropped 44% within five years.



Workers at a San Luis Obispo farm, c. 1920s. Courtesy of Grace (Eto) Shibata.



Harvesting lettuce on the Tsutsumi farm, San Luis Obispo County, c. 1930s. Courtesy of Irene Y. Saiki.



In 1942, while Japanese Americans were still in concentration camps, enforcement of the Alien Land Law was expedited. The intent was clearly to prevent the return of Japanese American farmers to agriculture.

the Alien Land Laws and the 'Japanese Exclusion Act' of 1924, the acreage of farmlands directly under the control of Japanese would have more than doubled from 1920 to 1930. Instead, Japanese-controlled acreage declined from 458,000 acres in the peak year of 1920 to less than 200,000 acres by 1930. Moreover, the size of a Japanese operated farm shrank from an average of 80 acres in 1920 to 44 acres in 1940.

The virulence of the anti-Japanese movement reached its height in 1924 with the passage of the 'Japanese Exclusion Act' which effectively shut down any further immigration of Japanese to the United States. By this act, the Japanese were branded as inferior, undesirable and therefore unworthy of becoming permanent members of American society. The cumulative effects of the Alien Land Laws and the 'Japanese Exclusion Act' were to precipitate a state of crisis in the Japanese farming industry. With the future so bleak, some Japanese returned to Japan while others left California for other states. In 1924, the Japanese Association of America sent an agricultural expert to survey the American South for prospective farming opportunities.

Mexico and South America were also seriously considered.

The Issei Fight Back

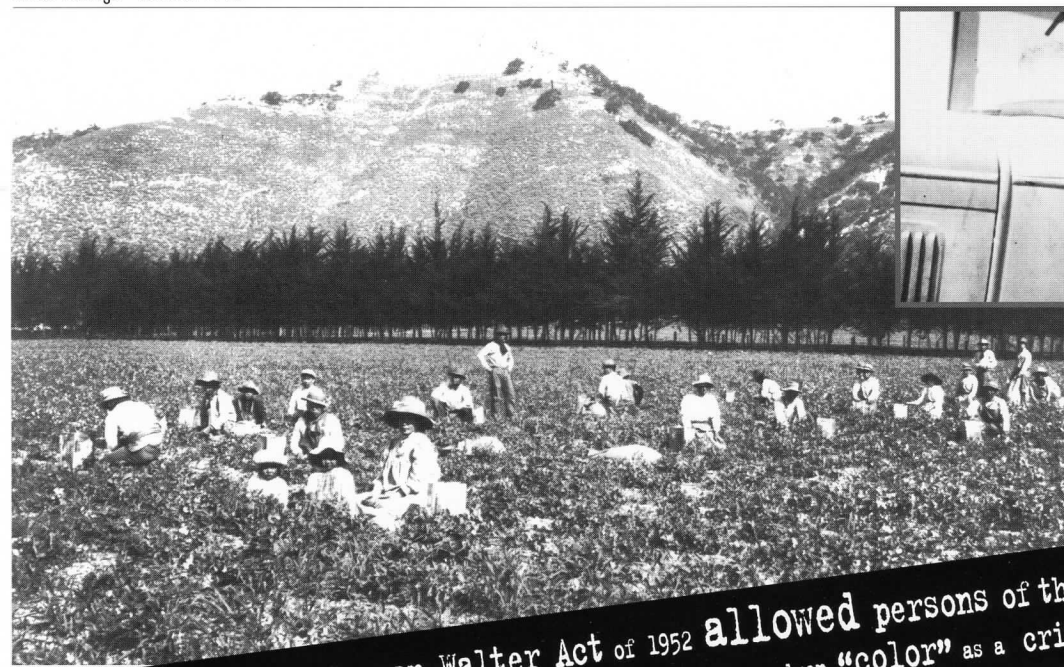
Classified as "aliens ineligible to citizenship," the Issei were effectively deprived of political influence and excluded from the governmental process. However, they still had recourse in the judicial system. Issei could contest the State's right to confiscate their property without compensation when the property was acquired in alleged violation of the Alien Land Law. In three landmark cases, Issei and Nisei property owners challenged the Alien Land Law provision that asserted the State's right to seize their property.

In the *Oyama vs. California* case, Kajiro Oyama, an Issei, bought six acres of land in 1934 near San Diego, in the name of his six year old son, Fred. In 1942, the family was "evacuated." In 1944, the California Attorney General filed action to seize Fred's property on the basis that the land had been purchased "with intent to violate and evade the alien land law." The California Supreme Court ruled that the State could constitutionally exclude ineligible aliens from owning

land. The Court upheld the state's right to confiscate Fred's six acres. On appeal to the U.S. Supreme Court in 1948, the court ruled that the seizure of Fred's property was unconstitutional because it denied the defendant equal protection of the law under the 14th amendment of the U.S. Constitution, and declared invalid that part of the California Alien Land Law which prohibited gifts of land to citizen children.

The *Oyama vs. California* case established the right of Issei to purchase and give title of land to a Nisei child. In the *Sei Fujii vs. State of California* case, Fujii directly challenged the Alien Land Law by claiming he had a right as an Issei, an alien ineligible to citizenship, to purchase and hold title to land. In 1948, Fujii bought a parcel of land in Los Angeles and boldly took title in his own name. The State immediately took action to confiscate Fujii's property and this action was upheld in Superior Court. On appeal to the California Supreme Court in 1952, the court ruled that the Alien Land Law's provision barring aliens ineligible for citizenship from owning land was a violation of

Alien Land Laws (cont'd on p. 14)



Top: Issei woman driving a farm truck, c. 1930s. La Habra, CA. Courtesy of the Tanabe family. Workers at a San Luis Obispo farm, c. 1920s. Courtesy of Grace (Eto)Shibata.

For the first time, the McCarran-Walter Act of 1952 allowed persons of the 'yellow race' to become naturalized citizens. It took the U.S. 162 years to drop "color" as a criterion for naturalization.

the 14th Amendment and therefore unenforceable. In his ruling, Chief Justice Gibson concluded:

There is nothing to indicate that those alien residents who are racially ineligible for citizenship possess characteristics which are dangerous to the legitimate interests of the state, or that they, as a class, might use the land for purposes injurious to public morals, safety or welfare. Accordingly, we hold that the Alien Land Law is invalid as in violation of the Fourteenth Amendment.

In a third case, *Haruye Masaoka vs. State of California*, the California Supreme Court reaffirmed that the Alien Land Law was unconstitutional. Akira Masaoka transferred title to a lot in Pasadena to his mother Haruye. Under the Alien Land Law, this gift of land was illegal and subject to confiscation by the State. To establish title to the property and to prevent its seizure, Mrs. Masaoka and her son filed action in the Los Angeles Superior Court. In March 1950, the court held that the Alien Land Law was unconstitutional. The State appealed to the California

Supreme Court which ruled on July 9, 1952, that its decision in the earlier *Sei Fujii vs. State of California* case was controlling. It upheld the lower court's judgment that the Alien Land Law was a violation of the 14th Amendment.

At about the same time, in the United States Congress, the McCarran-Walter Immigration and Naturalization Act was passed on June 27, 1952. This legislation allowed, for the first time, persons of the 'yellow race' from Japan and other Asian countries to become naturalized citizens. The qualification established in 1790 that only "free white persons" could be naturalized was finally repudiated. It had taken this country 162 years, from 1790 to 1952, to eliminate "color" as a criterion for eligibility to citizenship.

The proverbial nail in the coffin of the Alien Land Law was delivered by the voters of California in its general election of November 4, 1956, when they voted overwhelmingly by a two to one majority to repeal the Alien Land Law. The same interest groups that in 1920 had been vociferous supporters of the Alien Land Law were now back-

ing its repeal. The courts had convinced them that they had been wrong. These groups included the American Legion, county farm bureaus, chambers of commerce, city and county governing bodies, labor unions, both major political parties and the major metropolitan newspapers. Commenting on the victory, the *Pacific Citizen* (December 21, 1956) noted:

It was a tribute to the Issei whose love for the land kept them steadfast through years of discrimination. In only half a century the Issei had come full circle, accepted as equal citizens in the country they had adopted. ■

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