

California Alien Land Laws and World War II in the San Joaquin Valley

By Katy Hogue

At the turn of the twentieth century, over ten thousand Japanese immigrants flooded in to California. After the annexation of Hawaii in 1898, many Japanese were released from indentured service and moved to the U.S. mainland. These new immigrants added to the Japanese laborer community that had been increasing ever since the Chinese Exclusion Act of 1882 put a moratorium on Chinese immigration. According to a 1911 Treaty of Commerce and Navigation with Japan, the Japanese were allowed to own and lease residential and commercial land in the United States. However, many of the newly arrived Japanese immigrants moved into rural areas such as Fresno County and farming became their main source of income.

Concerned over the "Yellow Peril," California Governor Hiram Johnson directed California state attorney general Ulysses S. Webb and attorney Francis J. Haney to draw up a bill that restricted "aliens ineligible for citizenship" from owning or long-term leasing farmlands. Despite protests from the Japanese government, the Webb-Haney Act passed easily. The California Alien Land Law effectively discouraged immigration by Chinese, Indian, Japanese, and Korean farmers. The California Alien Land Law was amended and extended in 1920 and 1923, which tightened restrictions, such as eliminating the provision for leasing land for less than three years. Issei Japanese parents got around the law by purchasing land in their American-born Nisei children's names. As anti-Asian prejudice increased into the 1920s, several western states passed similar laws under pressure from labor unions, granges, and anti-immigrant groups, such as the Native Sons of the Golden West. Another state with a significant Japanese immigrant population, Washington passed the Alien Land Bill of 1921 and revised it in 1923.

The advent World War II increased anti-Japanese sentiment in California leading to added focus on enforcement of the Alien Land Laws. On January 23, 1942, Fresno County District Attorney W.C. Tupper received a letter from California Attorney General Earl Warren, who would become Governor of California from 1943-1953 and Chief Justice of the United States from 1953-1969. Based on a resolution from the U.S. Senate, Warren requested that all district attorneys and sheriffs from each of California's fifty-eight counties "investigate possible violations" of the Alien Land Law. They found several "ingenious schemes and devices, all of which were condoned, aided, abetted and encouraged by many American citizens." Placer County convened a grand jury that passed a resolution on December 10, 1942 calling for "effective and adequate legislation to meet the Japanese problem in...California, but also to demand that the United States Congress pass National Legislation which will make it impossible for Japanese, either alien or native born, to become citizens of the United States or to own, hold, enjoy, occupy and use agricultural lands in any of the states of the Union."

While the Japanese were interned, they faced threats to any land they had retained. California enacted legislation in 1944 and 1945 to discourage Japanese resettlement in California. The state provided funding for escheat suits to take property from Japanese aliens. As the war progressed, agricultural equipment was taken under eminent domain by the California Department of Agriculture War Board. By the summer of 1946, over fifty escheat cases were pending against Japanese landowners and many lost their land when they couldn't insure it. Many of the alien land laws were ruled unconstitutional in 1948. The Supreme Court ruled in *Oyama v. California* that Fred Oyama, an American-born citizen, had the right to own property, despite the fact that his father had purchased the land in his name. A further Supreme Court case in 1952 resolved that the alien land laws violated the equal protection clause of the 14th Amendment.