# WASHINGTON'S 1889 LAND LAW

In 1948, four brothers, all Americans of Japanese ancestry, all honorably discharged veterans of the famed 442nd Regimental Combat Team of Japanese American volunteers that has been described as the most decorated unit in American military history for its size and length of service, purchased a plot of land in Southern California on which to build a home for their widowed mother. The down payment was made with their discharge pay, plus part of the insurance paid by a grateful government because a fifth brother had been killed in action in Northeastern France during the rescue by the 442nd of the Lost Texas Battalion in October, 1944.

These were the Masaoka brothers, five of whom volunteered for combat service from behind the barbed wire enclosures of government internment camps to which the same Army for which they volunteered evacuated them, along with 110,000 other persons of Japanese ancestry, two-thirds of whom were native-born citizens, without trial or hearing, from the Pacific slope in the spring of 1942. One brother was killed in action, another 100 percent disabled, with two others also wounded in action. Between them, the five brothers were awarded some 30 individual decorations and awards, including the Legion of Merit, Silver Star, five Bronze Stars, the Italian War Medal, etc.

And yet, when they purchased this land presented it to their mother, the State of California escheated, or in more understandable language, took away, this land on the legal grounds that their mother could not own land in that State because she was not a citizen of the United States. Mother Masaoka had been lawfully admitted for permanent residence in our country in 1906, but under our federal naturalization laws, she was ineligible for citizenship. Because she could not become a naturalized citizen, she remained a non-citizen. And because she was "an alien ineligible to citizenship," she could not even receive land in her old age on which to build a home and live out a most useful life with money paid for from the military service of her five sons.

Finally in 1952, the Supreme Court of California declared this law unconstitutional. That same year, the Congress of the United States extended the privileges of naturalization to all aliens lawfully admitted for permanent residence without regard to race or national origin, including those of Japanese ancestry. And the voters of California, in November 1956, overwhelmingly repealed that section of its State Constitution that provided the basis for the so-called anti-alien land law.

In 1949, in a similar case involving the parents of Japanese American war heroes who served with honor in World War II, the Oregon Supreme Court declared its land law unconstitutional.

This November, the voters of the State of Washington will be called upon to repeal that section of our State Constitution which provides the basis for our land law, prohibiting ownership by non-citizens, the only such law remaining on the statute books of any of the Pacific Coast States. It will be a referendum measure, known as Senate Joint Resolution No. 21, that was passed by our State Legislature last year, unanimously in the House and with only six dissenting votes in the Senate. Affirmative vote by our electorate at the polls this November 6th will repeal Article II, Section 33 of our Washington State Constitution that provides for discrimination in the ownership of land not only between aliens and citizens but also between alien persons and alien corporations.

Though not specifically worded against non-citizens of Asian ancestry, we know from its legislative history that it was directed against the Japanese principally, though it encompassed the Chinese, too, at one time. Though utilized to prevent the non-citizen Japanese from owning land, its greater discrimination was against native born Americans of Japanese ancestry, as the United States Supreme Court found in the Oyama case in 1948 when it declared that such land laws discriminated against American citizens of Japanese ancestry when compared to the citizen children of other ancestries.

Thus, these land laws of the western states wereused to reduce Japanese Americans into second class citizenship and circumscribed and restricted the lives and the lot of all persons of Japanese ancestry, citizens and non-citizens alike, for the half century before World War II. And, in a real sense, these land laws helped substantially to create the prejudice that was fanned in the spring of 1942 into the hate and hysteria that resulted in the mass military evacuation of 110,000 persons of Japanese ancestry from their homes and associations in what has often been described as "Our Worst Wartime Mistake."

The people of Washington can be proud that more Japanese Americans per capita from our State volunteered for combat duty with the 442nd Regimental Combat Team and for military intelligence in the Pacific from the internment camp to which they had been removed than from any other Pacific Coast State. Moreover, they won more than their share of medals, including the Purple Heart.

It is in their name that we today call upon our fellow Americans of the State of Washington to vote affirmatively on Senate Joint Resolution No. 21 on November 6th.

There are those who may wonder why we are so insistent that this section of our State Constitution be repealed when its effect has been voided and nullified by court decisions and by federal statute.

First of all, it is a grim reminder of those evil days when anti-Orientalism was fashionable in the West. But, most importantly, as the late United States Supreme Court Justice Robert H. Jackson described a similar law, it "lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need." In other words, as long as there is legal sanction of the kind provided in Article II, Section 33, in another time of hysteria and hate, it may be used as the pattern for discrimination possibly not only against our group again but also against other races, nationalities, creeds, and peoples. No American can be secure in his civil rights and dignity so long as there are these awful reminders of a bigoted past.

Not only will the repeal of this constitutional proviso redound to the benefit of every citizen of this State, but it would serve as a measure of justice for the heroic sacrifices made by our Japanese American troops during World War II and by their equally loyal parents and families who, through no fault of their own and the accident of birth, happened to look like the enemy.

Furthermore, two years ago marked the centennial of the first exchange of diplomatic representatives between the United States and Japan. A Treaty of Mutual Cooperation and Security was also signed two years ago in Washington between Japan and the United States. Our State of Washington has been among the forefront of American States that have developed mutually advantageous economic and trade relations with Japan. Surely, repeal of law that serves no purpose but to recall to our allies the Japanese the bitter days of prejudice that let up to the War in the Pacific is in our national and international self-interest too, let alone recognition of the many and great contributions which the Japanese have made over the past half century and more in helping to develop this State and the Pacific Northwest.

On this November's ballot, there will be many individuals and several referenda to vote for, but may we invite you to remember to vote "Yes" on Senate Joint Resolution No. 21, for its adoption will mean that Washington State has joined its fellow States on the Pacific Coast to remove from our statute books a law that means nothing to the State but everything to our fellow Americans of Japanese ancestry.

For justice, for fair play, for decency and dignity, vote "Yes" on S.J.R. # 21.

WASHINGTON STATE COMMITTEE
FOR THE ABOLISHMENT OF RESTRICTIONS ON LAND OWNERSHIP
318 6th Avenue South, Suite 123
Seattle 4, Washington
MAin 4-7773

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