

# Alien Who Can't Own Land May Buy in Son's Name, Says High Court

By Associated Press.

WASHINGTON, Jan. 19.—The Supreme Court ruled today that California laws which prohibit ownership of land by aliens who may not become citizens were applied unconstitutionally in the case of a Japanese named Fred Oyama.

Validity of the alien land laws was challenged by Kajiro Oyama, a Japanese. California seized two small tracts of agricultural land in San Diego which he purchased in the name of his son, Fred, an American citizen born in California in 1928.

Justice Vinson delivered the 6-3 decision. Justices Reed, Burton and Jackson dissented. There were two separate concurring opinions. Justice Murphy wrote one, joined by Justice Rutledge. Justice Black wrote another with Justice Douglas, joining him.

## Deal Called 'Subterfuge'

The judges who concurred with Vinson favored throwing out the land laws themselves as violative of the federal Constitution.

The State of California, in seizing the land, had contended through Deputy Attorney-General Everett W. Mattoon, that the purchase of the land in 1934 by the father in the son's name was a "subterfuge" and an attempt to acquire the property for his own use.

Vinson's majority ruling said that in application of the alien land laws, an English father may use his own money to buy land in the name of his son who is a citizen of the United States, and that "an indefeasible title is presumed" to be given the boy.

"But," Vinson said, "when Kajiro Oyama arranges a similar transfer to his son, Fred, the alien land laws interpose a presumption just to the contrary."

Thus, as Vinson said, between the citizen-children of an English father and the citizen-children of a Japanese father, there is discrimination.

In dissenting, Justice Reed said the majority's finding was based principally on objections to the presumption that the father's gift to the son really was an effort to avoid forfeiture to the state of land actually belonging to the father.

Reed viewed the majority's holdings as foretelling a new trial in which all of the actual evidence on the question of the asserted effort to avoid forfeiture can be reintroduced.

Then, Reed added, "if an intent to prevent, evade or avoid escheat (forfeiture) is found on the same evidence, an escheat will again take place."

## Constitutionality Not Involved

Vinson said he saw no reason to rule on actual constitutionality of California's alien land laws.

Justice Jackson said in his dissent he was unable to see how the Supreme Court "logically" could set aside the decision of California courts "unless it is prepared to invalidate the California alien land laws."

In his concurring opinion, Black said that California by its alien land laws "puts all Japanese aliens within its boundaries on the lowest possible economic level." Black continued:

"And this has been followed by another law which now bars Japanese from the fishing industry. If there is any one purpose of the 14th Amendment (to the United States Constitution) that is wholly outside the realm of doubt, it is that the amendment was designed to bar states from denying to some groups, on account of their race or color, any rights, privileges, and opportunities accorded to other groups."

(Among other decisions, the court voided conviction of a Mississippi Negro for attempted rape on the grounds that a confession from him was obtained under duress. See Page 3.)

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