

EXCLUSION OR INCLUSION? THE JAPANESE STRUGGLE TO OWN LAND IN CALIFORNIA

AUTHOR: Robbie See / William Mendenhall Middle School, Livermore, California

GUIDING QUESTION:

As Japanese immigrants struggled to own farmland in California, who was most influential in building an inclusive society: the state, the nation, or the people themselves?

OVERVIEW

Using the legal decisions from *Oyama et al., v. California* and *Sei Fujii v. State*, students will examine the relative influence of the U.S. Constitution, state law, and citizens' actions as Japanese immigrants struggled to secure equal status as landowners in California.

OBJECTIVES

At the conclusion of this activity, students will be able to

- > Describe the impact of national immigration restrictions and California's Alien Land Law (1913);
- > Evaluate the importance of the Fourteenth Amendment as a guarantor of equal rights; and
- > Assess the role state governments, the federal government, and people play in ensuring rights.

STANDARDS CONNECTIONS

CONNECTIONS TO COMMON CORE

- > CCSS.ELA-Literacy.RH.9-10.1 Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.
- > CCSS.ELA-LITERACY.RH.9-10.3 Analyze in detail a series of events described in a text; determine whether earlier events caused later ones or simply preceded them.

CONNECTIONS TO C3 FRAMEWORK

- > D2.Civ.4.9-12. Explain how the U.S. Constitution establishes a system of government that has powers, responsibilities, and limits that have changed over time and that are still contested.
- > D2.Civ.12.9-12. Analyze how people use and challenge local, state, national, and international laws to address a variety of public issues.

DOCUMENTS USED

PRIMARY SOURCES

An Act to Amend the Naturalization Laws and to punish Crimes against the same, and for other Purposes, 1870 (excerpt)

Library of Congress

<https://www.loc.gov/law/help/statutes-at-large/41st-congress/session-2/c41s2ch254.pdf>

Alien Land Laws in California (1913 & 1920)

Immigration and Ethnic History Society, University of Texas at Austin, History Department

<https://immigrationhistory.org/item/alien-land-laws-in-california-1913-1920/>

Amendment XIV, U.S. Constitution, 1868

National Archives and Records Administration

<https://www.archives.gov/founding-docs/amendments-11-27>

Decision, *Oyama et al., v. California*, 1948

Supreme Court of the United States

https://scholar.google.com/scholar_case?case=15171183144489494599&q=Oyama+v.+California&hl=en&as_sdt=2006

Decision, *Sei Fujii v. State of California*, April 17, 1952 (excerpt)
Supreme Court of California
https://scholar.google.com/scholar_case?case=5469716869035421465&q=sei+fujii+v.+state+of+california+full+text+of+opinion&hl=en&as_sdt=2006

Immigration Act, 1790 (excerpt)
National Archives and Records Administration (7452136)
<https://catalog.archives.gov/id/7452136>

“Japanese Appeal to the Los Angeles Churches,”
San Francisco Call, April 29, 1913 (excerpt)
Chronicling America: Historic American Newspapers, Library of Congress
<https://chroniclingamerica.loc.gov/lccn/sn85066387/1913-04-29/ed-1/seq-3/>

Photograph, *Japanese farmworkers and children with the crop in Lomita*, 1924
Gardena City Clerk’s Office, Los Angeles County Library
<https://lacountylibrary.org/gardena-local-history/>

Roland S. Morris, *The Gentleman’s Agreement*, 1907
U.S. Department of State
<https://history.state.gov/historicaldocuments/frus1921v02/d306>

“We Want No Japanese Guardian Angel,” *San Francisco Call*,
June 23, 1909 (excerpt)
Chronicling America: Historic American Newspapers, Library of Congress
<https://chroniclingamerica.loc.gov/lccn/sn85066387/1909-06-23/ed-1/seq-6/>

TEACHER-CREATED MATERIALS

- > Historical Context
- > The Oyama Family’s Story
- > The Oyama Family’s Story Answer Key
- > Primary Source Analysis
- > Primary Source Analysis Answer Key

ACTIVITY PREPARATION

- > Make one copy of the Primary Source Analysis for each student.
- > Print one copy of the Primary Source Analysis Answer Key for teacher use.
- > Organize students into groups of three students each.

PROCEDURE

ACTIVITY ONE: ESTABLISHING CONTEXT (15 MINUTES)

- > Project the photograph, *Japanese farmworkers and children with the crop in Lomita*. Read the Historical Context as a class. Ask how federal and state governments might affect an individual’s ability to own land and integrate more fully into society.
- > Distribute *The Oyama Family’s Story*.
- > Assign roles: one student in each group watches for the impact of the state, one for the nation, and one for the people. Instruct students to read the story together and enter events on the chart.
- > Ask the focus question, *As Japanese immigrants struggled to own farmland in California, who was most influential in building an inclusive society: the state, the nation, or the people themselves?* Opinions will vary. Ask why they chose a specific group.

CONNECTIONS

This book features several lessons tied to the concepts of citizenship. The United States has evolved its understanding of citizenship and the rights that accompany it since the founding era. Consider posing these questions. What rights do citizens have? What responsibilities? Who can become or who is barred from becoming a citizen at a given point in U.S. history?

ACTIVITY TWO: PRIMARY SOURCE ANALYSIS (30 MINUTES)

- > Pass out the Primary Source Analysis.
- > Read the first excerpt (Fourteenth Amendment) aloud and model inferential thinking to answer the question.
- > Instruct students to complete the Primary Source Analysis in a group:
 - » Student A looks for examples of national power.
 - » Student B looks for state power.
 - » Student C looks for the power of the people.
 - » When reading, students should change readers at paragraph breaks. The student to the right of the reader suggests an answer to the question and the third student digs deeper before all write the answer in their packets. Rotate through the assignment.
- > Discuss the guiding question as a whole class before students answer the guiding question individually on the final page.

ASSESSMENT OPTIONS

- > Students can respond to the guiding question in a written paragraph. Students can respond to the question independently or in groups based on teacher discretion.
- > Students can create a political cartoon depicting the power of the state government, federal government, or people in this case.

STUDENTS INTERESTED IN THIS TOPIC MIGHT BE INTERESTED IN RESEARCHING THE FOLLOWING FOR AN NHD PROJECT

- > The Japanese Question, San Francisco Schools (1906)
- > Alien Land Acts of 1913
- > Mike Masaoka and the Japanese American Citizens League
- > *Ex parte Endo* (1944)

To access a PDF containing all of the sources and materials to complete this lesson plan, go to:

WWW.NHD.ORG/250

EDSITEment!

RELATED RESOURCES

Lesson Plan: Japanese American Internment Camps During WWII

<https://edsitement.neh.gov/lesson-plans/japanese-american-internment-camps-during-wwii>

Lesson Plan: Pearl S. Buck: "On Discovering America"

<https://edsitement.neh.gov/lesson-plans/pearl-s-buck-discovering-america>

Closer Readings Commentary: Connecting the Past and Present with the Immigrant Stories Project

<https://edsitement.neh.gov/closer-readings/connecting-past-and-present-immigrant-stories-project>

Closer Readings Commentary: Everything Your Students Need to Know About Immigration History

<https://edsitement.neh.gov/closer-readings/everything-your-students-need-know-about-immigration-history>

Juan Felipe Herrera, Student Activity: "Every Day We Get More Illegal"

<https://edsitement.neh.gov/student-activities/every-day-we-get-more-illegal-juan-felipe-herrera>

HISTORICAL CONTEXT



Photograph, *Japanese farmworkers and children with the crop in Lomita, 1924*
Gardena City Clerk's Office, Los Angeles County Library

Beginning in the 1880s, Japan allowed laborers to immigrate, first to the Hawaiian sugar plantations, and later to California. Men typically arrived without their families and worked as laborers. Japanese immigration to the U.S. hit its peak between 1900 and 1920. As decades passed, Japanese men sent for wives and others immigrated as whole families, settling down in the areas where they worked. When the Japanese immigrants “began to consider permanent residency in the U.S., many turned to agriculture,” and by the early 1900s, some 40,000 Japanese laborers worked in the agricultural industry.¹

In 1940, the Japanese population in California was just under 100,000 and “on the eve of World War II, they grew 95 percent of California’s fresh snap beans and peas, 67 percent of the state’s fresh tomatoes, and 44 percent of its onions.”² Yet, even as the Japanese built homes and families in the United States, they experienced challenges when it came to citizenship and rights.

Kajiyo Oyama arrived in California as a teenager with his parents and grew up working on farms like the one pictured above. In 1934, he wanted his family to own land.

¹ Erika Lee, “Immigration, Exclusion, and Resistance, 1800s-1940s.” In Franklin Odo, Editor, *Asian American Pacific Islander National Historic Landmarks Theme Study* (Washington, D.C., National Park Service, 2017): 91. <https://www.nps.gov/articles/upload/04-Essay-4-immigration.pdf>.

² Lee, “Immigration, Exclusion, and Resistance, 1800s-1940s.”

THE OYAMA FAMILY'S STORY

Kajiro Oyama, a Japanese immigrant ineligible for U.S. citizenship, purchased a parcel of land in 1934.³ Unable to own property under California's Alien Land Law, Kajiro paid \$4,000 for the land, and the seller executed a deed to Fred Oyama, Kajiro's six-year-old son.⁴ Six months later, the Superior Court for San Diego appointed Kajiro the guardian of Fred's property. In 1937, a second, adjoining parcel was purchased for nine-year-old Fred. Again, Kajiro paid the \$1,500 purchase price. Kajiro did not file annual reports, which the Alien Land Law required of all guardians. The Oyamayas later argued in court that, until 1943, there was some doubt as to whether the reports were required.

Following the bombing at Pearl Harbor, the United States entered World War II. Japan became the United States' enemy and tensions between the two countries grew. Japanese immigrants and Japanese Americans faced racial discrimination and were treated like possible enemies, despite having lived and worked in the United States. Growing fear and racism led to President Franklin Delano Roosevelt's Executive Order 9066, which ordered the evacuation of all persons deemed a national threat. The U.S. Army evacuated over 100,000 Japanese immigrants and Japanese Americans, including the Oyama family, from the West Coast, and placed them in internment camps.

During their internment, a property manager forwarded rent checks to the family, which Fred signed and deposited through the War Relocation Authority. While Fred and his family were forbidden to return home, the state of California filed a petition to declare an escheat in 1944. Escheat meant that the property reverted to state ownership. The state asserted that Kajiro Oyama had originally purchased the land with intent to violate and evade the Alien Land Law.

Fred and Kajiro Oyama sought help from the Japanese American Citizens League (JACL), a civil rights organization that had recently opened three West Coast offices to help returning internees. With the JACL, the Oyamayas went to court to save the property. They lost in both the trial court and the California Supreme Court. However, the Oyama family appealed the ruling to the United States Supreme Court, requesting the decision be overturned. In 1948, with Dean Acheson (soon to be Secretary of State under President Harry S. Truman) arguing the case in the U.S. Supreme Court, they won. The court declared that Fred Oyama had been denied equal protection of the law and his privileges as an American citizen.

Adapted from *Oyama et al., v. California*, 1948

³ In 1922, the United States Supreme Court upheld the ruling that Japanese immigrants were ineligible for naturalization, or the ability to become a citizen of the United States (*Ozawa v. United States*, 1922). As a result, Japanese immigrants could not own land.

⁴ Under birthright citizenship, Fred Oyama was eligible to own property in the United States.

THE OYAMA FAMILY'S STORY (CON'T)

Where do you see examples of the power of:

| THE FEDERAL GOVERNMENT | THE STATE OF CALIFORNIA | THE PEOPLE |
|------------------------|-------------------------|------------|
| | | |
| | | |
| | | |
| | | |

THE OYAMA FAMILY'S STORY ANSWER KEY

Where do you see examples of the power of:

| THE FEDERAL GOVERNMENT | THE STATE OF CALIFORNIA | THE PEOPLE |
|---|---|--------------------------------------|
| JAPANESE ALIENS DENIED CITIZENSHIP | ALIEN LAND LAW RESTRICTS OWNERSHIP | KAJIRO OYAMA PURCHASES LAND FOR FRED |
| EXECUTIVE ORDER ISSUED | COURT APPOINTS KAJIRO GUARDIAN | KAJIRO NEGLECTS TO FILE REPORTS |
| OYAMAS EVACUATED | STATE TRIES TO TAKE LAND | PROPERTY RENTED |
| U.S. SUPREME COURT RULES FOR THE OYAMAS | CALIFORNIA COURTS RULE AGAINST THE OYAMAS | OYAMAS, JAEL GO TO COURT |

PRIMARY SOURCE ANALYSIS

Guiding Question: As Japanese immigrants struggled to own farmland in California, who was most influential in building an inclusive society: the state, the nation, or the people themselves?

STATE AND FEDERAL LAWS:

| SOURCE | PRIMARY TEXT |
|---|---|
| 1790 Immigration Act | “...any alien...being a free white person...may be admitted to become a citizen...” |
| The Immigration Act of 1790 eventually influenced the Oyamas because... | |
| 1868 U.S. Constitution Fourteenth Amendment, Section 1 | “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” |
| The Fourteenth Amendment (1868) to the U.S. Constitution influenced the Oyamas because... | |

PRIMARY SOURCE ANALYSIS (CON'T)

| SOURCE | PRIMARY TEXT |
|--|---|
| <p>1870 An Act to Amend the Naturalization Laws, Section 7</p> | <p>"...the naturalization laws are hereby extended to aliens of African nativity and to persons of African descent."</p> |
| <p>The federal government's change in Naturalization Laws in 1870 influenced the Oyamas because...</p> | |
| <p>1907 Gentleman's Agreement</p> | <p>"[Japan agrees] not to issue passports to laborers, skilled or unskilled, except to those who have been domiciled in the United States, or to the families of such persons."</p> |
| <p>The federal government's 1907 agreement with Japan influenced the Oyamas because...</p> | |
| <p>1913 Webb-Haney Alien Land Law, Section 1</p> | <p>"All aliens eligible to citizenship under the laws of the United States may acquire...real property...in this state...in the same manner and to the same extent as citizens..."</p> <p>Any real property hereafter acquired in fee in violation of the provisions of this act... shall...become and remain the property of the state of California."</p> |
| <p>The state of California's 1913 law influenced the Oyamas because...</p> | |

PRIMARY SOURCE ANALYSIS (CON'T)

REACTIONS OF THE PEOPLE:

| SOURCE | PRIMARY TEXT |
|---|---|
| <p>June 23, 1909 "We Want No Japanese Guardian Angel" <i>San Francisco Call</i></p> | <p>"It is not true that in the last ten months no Japanese laborers have come to this country...the 'gentleman agreement' leaves us at the mercy of Japanese policy...the Japanese laborers are undesirable people. They are quarrelsome, litigious and tricky... The races are better apart."</p> |
| <p>The editor's opinion might have influenced the Oyamas because...</p> | |
| <p>April 29, 1913 "Japanese Appeal to the Los Angeles Churches" <i>San Francisco Call</i></p> | <p>"Brown Men Declare Half Century of Friendship Should Not Be Broken—Admit Right of State to Pass Law, but Think It Is Injustice to Them...5,000 Japanese engaged in business in southern California, appealed today to the churches of Los Angeles for assistance 'in reaching a mutual understanding in regard to the matters now before the California legislature...the friendship of half a century between our two countries is the best evidence of...the desire to draw nearer together ... in ties of peace and brotherhood.</p> <p><i>Japanese Farmers' Association of Southern California</i> <i>California Japanese Farmers' association</i> <i>Southern California Flower Market</i> <i>Japanese Business Men's Association of Los Angeles</i> <i>Japanese Industrial Association of Southern California</i> <i>Los Angeles Berry Growers' Cooperative association."</i></p> |
| <p>The Japanese immigrant's opinion influences the Oyamas because...</p> | |

PRIMARY SOURCE ANALYSIS (CON'T)

COURT DECISIONS

| SOURCE | PRIMARY TEXT |
|---|--|
| <p><i>Oyama et al v. California (1948)</i></p> <p>Chief Justice Fred Vinson, writing for the Supreme Court of the United States</p> | <p>“[The lower court’s decision that the state could take the land] deprives Fred Oyama of the equal protection of the laws and of his privileges as an American citizen; secondly, that it denies Kajiro Oyama equal protection of the laws; and thirdly, that it contravenes the due process clause [of the Fourteenth Amendment] by sanctioning a taking of property...</p> <p>We agree with petitioners’ first contention, that the Alien Land Law...deprives Fred Oyama of the equal protection of California’s laws and of his privileges as an American citizen. In our view of the case, the State has discriminated against Fred Oyama; the discrimination is based solely on his parents’ country of origin...</p> <p>Fred Oyama...faced at the outset the necessity of overcoming a statutory presumption that conveyances financed by his father and recorded in Fred’s name were not gifts at all...Fred was [original emphasis] presumed to hold title for the benefit of his parent.</p> <p>...Our attention has been called to no other case in which the penalty for a guardian’s derelictions has fallen on anyone but the guardian...the whole theory of guardianships is to protect the ward...</p> <p>The cumulative effect, we believe, was clearly to discriminate against Fred Oyama... Fred Oyama lost his gift, irretrievably and without compensation, solely because of the extraordinary obstacles which the State set before him...</p> <p>...The rights of a citizen may not be subordinated merely because of his father’s country of origin.”</p> |

The 1948 Supreme Court decision affected the Oyamas because...

PRIMARY SOURCE ANALYSIS (CON'T)

| SOURCE | PRIMARY TEXT |
|--|---|
| <p><i>Sei Fujii v. State of California (1952)</i></p> <p>Chief Justice Phil Gibson, writing for the California Supreme Court</p> | <p>“...There can be no question that the rights to acquire, enjoy, own, and dispose of property are ‘among the civil rights intended to be protected from discriminatory state action by the Fourteenth Amendment...’</p> <p>The California act...withholds all interests in real property from aliens who are ineligible to citizenship...[even though] such aliens are entitled to the same protection as citizens from arbitrary discrimination...</p> <p>It is generally recognized, however, that the real purpose of the legislation was the elimination of competition by alien Japanese in farming California land...discrimination on the basis of race...is obviously contrary to the Fourteenth Amendment.</p> <p>It is well established that all aliens lawfully in this country have a right to work for a living in the common occupations of the community...</p> <p>The truth is that the right to earn a living in many occupations is inseparably connected with the use and enjoyment of land...</p> <p>The California Alien Land Law is obviously designed and administered as an instrument for effectuating racial discrimination...accordingly, we hold that the alien land law is invalid as in violation of the Fourteenth Amendment.”</p> |

The 1952 Supreme Court decision affected the Oyamas because...

PRIMARY SOURCE ANALYSIS ANSWER KEY

Guiding Question: As Japanese immigrants struggled to own farmland in California, who was most influential in building an inclusive society: the state, the nation, or the people themselves?

STATE AND FEDERAL LAWS:

| SOURCE | PRIMARY TEXT |
|---------------------------------|---|
| 1790 Immigration Act | "...any alien...being a free white person...may be admitted to become a citizen..." |

The Immigration Act of 1790 eventually influenced the Oyamas because...

The nation established criteria for naturalization. Japanese immigrants were not eligible for citizenship. Kajiro Oyama could not buy land in California.

| | |
|---|---|
| 1868 U.S. Constitution Fourteenth Amendment, Section 1 | "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." |
|---|---|

The Fourteenth Amendment (1868) to the U.S. Constitution influenced the Oyamas because...

The nation established birthright citizenship. Fred Oyama was a citizen, even though his parents could not be naturalized. The nation limited the authority of the state, so that Fred's privileges as a citizen could not be removed by California. The nation declared that all persons, not just citizens, have equal protection under the law. This meant that both Fred and Kajiro Oyama, who was not eligible for citizenship, should have been protected from discrimination. When this did not happen, they had recourse under the law.

PRIMARY SOURCE ANALYSIS ANSWER KEY (CON'T)

| SOURCE | PRIMARY TEXT |
|---|---|
| <p>1870 An Act to Amend the Naturalization Laws, Section 7</p> | <p>"...the naturalization laws are hereby extended to aliens of African nativity and to persons of African descent."</p> |
| <p>The federal government's change in Naturalization Laws in 1870 influenced the Oyamas because...</p> <p>The nation set a precedent for the inclusion of people of color as U.S. citizens.</p> | |
| <p>1907 Gentleman's Agreement</p> | <p>"[Japan agrees] not to issue passports to laborers, skilled or unskilled, except to those who have been domiciled in the United States, or to the families of such persons."</p> |
| <p>The federal government's 1907 agreement with Japan influenced the Oyamas because...</p> <p>The nation exerted diplomatic influence over Japan and limited immigration to the United States.</p> <p>Japanese men could no longer come to the United States, but families could join men already here. Many women came at this time, and the Japanese population grew.</p> | |
| <p>1913 Webb-Haney Alien Land Law, Section 1</p> | <p>"All aliens eligible to citizenship under the laws of the United States may acquire...real property...in this state...in the same manner and to the same extent as citizens..."</p> <p>Any real property hereafter acquired in fee in violation of the provisions of this act... shall...become and remain the property of the state of California."</p> |
| <p>The state of California's 1913 law influenced the Oyamas because...</p> <p>Kajiyo Oyama, who was ineligible for citizenship, could not own land, but his son could. The state gave itself the authority to confiscate the land of non-citizens if they decided the law had been violated.</p> | |

PRIMARY SOURCE ANALYSIS ANSWER KEY (CON'T)

REACTIONS OF THE PEOPLE:

| SOURCE | PRIMARY TEXT |
|---|--|
| <p>June 23, 1909 "We Want No Japanese Guardian Angel" <i>San Francisco Call</i></p> | <p>"It is not true that in the last ten months no Japanese laborers have come to this country...the 'gentleman agreement' leaves us at the mercy of Japanese policy...the Japanese laborers are undesirable people. They are quarrelsome, litigious and tricky... The races are better apart."</p> |

The editor's opinion might have influenced the Oyamas because...

The people were not satisfied with the Gentleman's Agreement negotiated by President Theodore Roosevelt. They wanted stricter immigration controls, and limits on the actions of immigrants already in California.

| | |
|---|---|
| <p>April 29, 1913 "Japanese Appeal to the Los Angeles Churches" <i>San Francisco Call</i></p> | <p>"Brown Men Declare Half Century of Friendship Should Not Be Broken—Admit Right of State to Pass Law, but Think It Is Injustice to Them...5,000 Japanese engaged in business in southern California, appealed today to the churches of Los Angeles for assistance 'in reaching a mutual understanding in regard to the matters now before the California legislature...the friendship of half a century between our two countries is the best evidence of...the desire to draw nearer together ... in ties of peace and brotherhood. <i>Japanese Farmers' Association of Southern California</i> <i>California Japanese Farmers' association</i> <i>Southern California Flower Market</i> <i>Japanese Business Men's Association of Los Angeles</i> <i>Japanese Industrial Association of Southern California</i> <i>Los Angeles Berry Growers' Cooperative association."</i></p> |
|---|---|

The Japanese immigrant's opinion influences the Oyamas because...

Japanese people organized and petitioned as a group. They recognized the need for collective action. This was useful decades later, when the Oyamas needed support in their court case.

PRIMARY SOURCE ANALYSIS ANSWER KEY (CON'T)

COURT DECISIONS

| SOURCE | PRIMARY TEXT |
|---|--|
| <p><i>Oyama et al v. California (1948)</i></p> <p>Chief Justice Fred Vinson, writing for the Supreme Court of the United States</p> | <p>“[The lower court’s decision that the state could take the land] deprives Fred Oyama of the equal protection of the laws and of his privileges as an American citizen; secondly, that it denies Kajiro Oyama equal protection of the laws; and thirdly, that it contravenes the due process clause [of the Fourteenth Amendment] by sanctioning a taking of property...</p> <p>We agree with petitioners’ first contention, that the Alien Land Law...deprives Fred Oyama of the equal protection of California’s laws and of his privileges as an American citizen. In our view of the case, the State has discriminated against Fred Oyama; the discrimination is based solely on his parents’ country of origin...</p> <p>Fred Oyama...faced at the outset the necessity of overcoming a statutory presumption that conveyances financed by his father and recorded in Fred’s name were not gifts at all...Fred was [original emphasis] presumed to hold title for the benefit of his parent.</p> <p>...Our attention has been called to no other case in which the penalty for a guardian’s derelictions has fallen on anyone but the guardian...the whole theory of guardianships is to protect the ward...</p> <p>The cumulative effect, we believe, was clearly to discriminate against Fred Oyama... Fred Oyama lost his gift, irretrievably and without compensation, solely because of the extraordinary obstacles which the State set before him...</p> <p>...The rights of a citizen may not be subordinated merely because of his father’s country of origin.”</p> |

The 1948 Supreme Court decision affected the Oyamas because...

Fred Oyama’s citizenship rights were recognized and he received his land back. The Fourteenth Amendment was significant in halting the state’s action.

PRIMARY SOURCE ANALYSIS ANSWER KEY (CON'T)

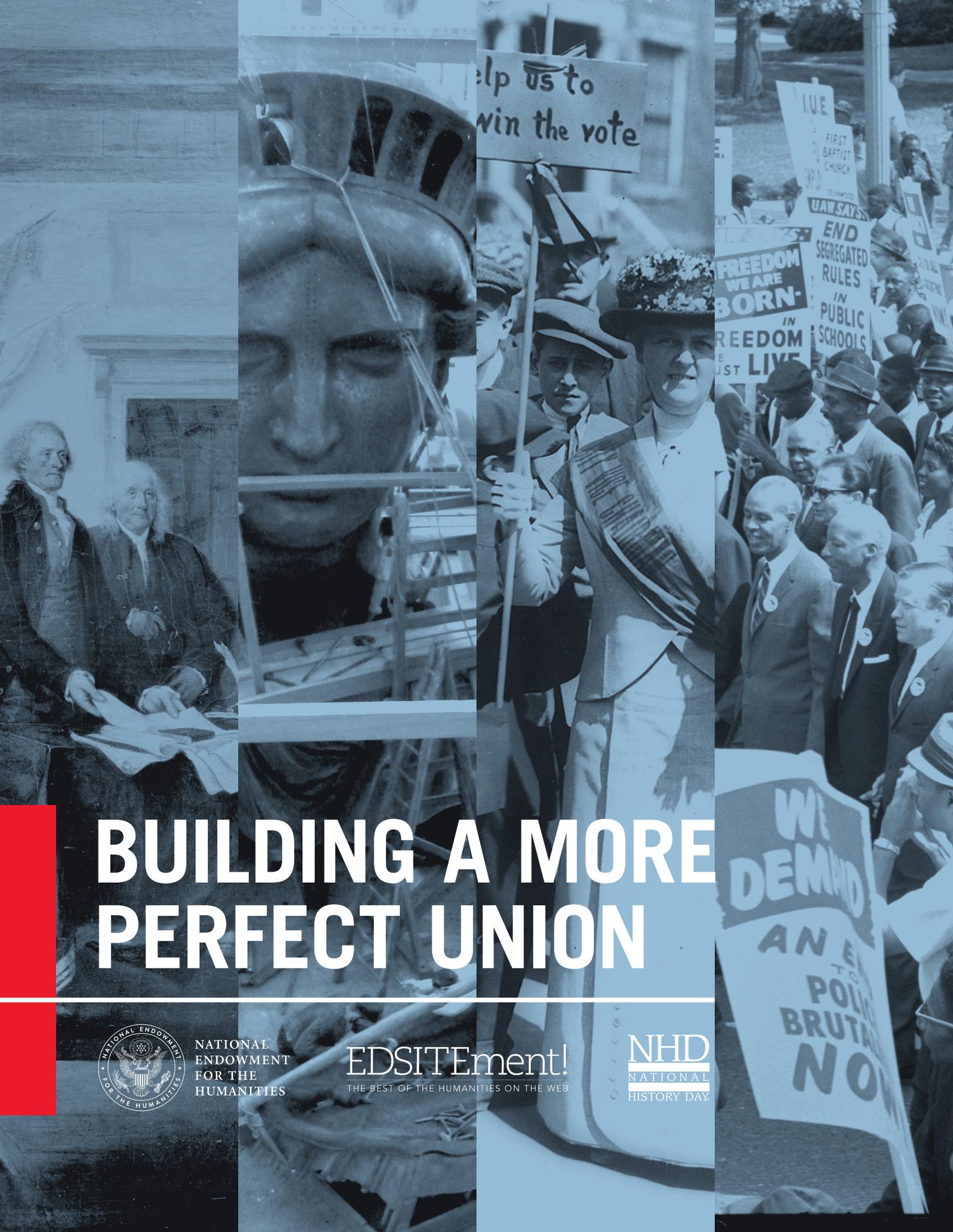
| SOURCE | PRIMARY TEXT |
|---|---|
| <p><i>Sei Fujii v. State of California</i> (1952)</p> <p>Chief Justice Phil Gibson, writing for the California Supreme Court.</p> | <p>“...There can be no question that the rights to acquire, enjoy, own, and dispose of property are ‘among the civil rights intended to be protected from discriminatory state action by the Fourteenth Amendment...’</p> <p>The California act...withholds all interests in real property from aliens who are ineligible to citizenship...[even though] such aliens are entitled to the same protection as citizens from arbitrary discrimination...</p> <p>It is generally recognized, however, that the real purpose of the legislation was the elimination of competition by alien Japanese in farming California land...discrimination on the basis of race...is obviously contrary to the Fourteenth Amendment.</p> <p>It is well established that all aliens lawfully in this country have a right to work for a living in the common occupations of the community...</p> <p>The truth is that the right to earn a living in many occupations is inseparably connected with the use and enjoyment of land...</p> <p>The California Alien Land Law is obviously designed and administered as an instrument for effectuating racial discrimination...accordingly, we hold that the alien land law is invalid as in violation of the Fourteenth Amendment.”</p> |

The 1952 Supreme Court decision affected the Oyamas because...

This decision did not directly affect the Oyamas, although, if he wished, Kajiro Oyama could now purchase property for himself. However, the decision allowed Sei Fujii (an alien not eligible for citizenship) to keep the land he purchased. Also, the Oyama family had the satisfaction of helping to overturn an unjust law.

Provide a five-sentence answer to the guiding question: As Japanese immigrants struggled to own farmland in California, who was most influential in building an inclusive society: the state, the nation, or the people themselves? Support your answer with evidence from the primary sources above.

Student answers will vary.



BUILDING A MORE PERFECT UNION



NATIONAL
ENDOWMENT
FOR THE
HUMANITIES

EDSITEment!

THE BEST OF THE HUMANITIES ON THE WEB

NHD
NATIONAL
HISTORY DAY

Help us to
win the vote

FREEDOM
WE ARE
BORN-
IN
FREEDOM
JUST LIVE

END
SEGREGATED
RULES
IN
PUBLIC
SCHOOLS

WE
DEMAND
AN
END
TO
POLICE
BRUTALITY
NO