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A Forgotten History: How the Asian American Workforce Cultivated Monterey County's Agricultural Industry, Despite National Anti-Asian Rhetoric

Dominique Marangoni-Simonsen

Abstract

This paper analyzes the implementation of exclusionary citizenship laws against Chinese and Japanese immigrants from 1880 to 1940. It further analyzes the application of these exclusionary mechanisms to the Asian immigrant populations in Monterey County, California. It identifies how the agricultural industry in Monterey County by-passed these exclusion laws as a result of the favored labor force of Japanese immigrants. The paper compares the acceptance of Japanese laborers to the decimation of the Chinese fishing industry in the county, which caused the eradication of Chinese culture. Finally, the paper analyzes the retroactive effects of these laws to the current Feast of Lanterns festival, which inadequately celebrates and remembers that Chinese culture due to a white lens. In summation, this paper discusses the varied exclusionary mechanisms of Asian Americans: the violent methods to prevent Chinese and Filipino immigrant assimilation, and the relative acceptance of Japanese immigrants due to their dutiful labor in the agricultural industry, using Monterey, California as a case study, and finally how the achievement of Chinese exclusion is reflected in a manifestly amnesiac history of Asian Americans in Monterey.¹

Introduction

From 1880 to 1940, California's economy progressed in all industries, which created a labor demand filled by immigrants, and a need for accompanying regulation. The United States fluctuated in immigration legislation in this era, as the drive to colonize brought frequent change in international government powers, and United States immigration policy determinations consequently adapted. One such immigration policy included the exclusion of immigrants originating from the Asiatic-barred

1. Special thank you to Professor Frank Wu, President of Queens College, and his instruction in his Asian American Law Seminar, without which I would not have the background to speak to this topic.

zone, then was amended, expanding to exclude the Asian-Pacific Zone. This anti-Asian rhetoric trickled down from the federal level to the state level, as California enacted the Alien Land Law.

The Alien Land Law denied land ownership to any alien who did not qualify for citizenship, a subtle racial bar which only applied to Asian Americans. California implemented the Alien Land Law to drive Japanese labor elsewhere, which mimicked the implementation of the federal Chinese Exclusion Act. Although initially not heavily enforced, the Alien Land Law condoned Japanese exclusion, and incrementally ensured a path to the internment of Japanese Americans thirty years later. Additionally, the law furthered racially biased actions against interned Japanese Americans in their resettlement after internment.

In Monterey, California, the Alien Land Law and the Chinese Exclusion Act particularly dispersed the Japanese and Chinese communities that developed Monterey's agricultural and fishing economies. Monterey served as the home to one of the first settlements of first generation ("Issei") Japanese and one of the first Chinese self-developed economies in California. These immigrant populations cultivated and solidified the fishing and agricultural industries in Monterey, which still dominate to this day. However, Monterey suppresses the history of these cultures and minimizes the presence of their populations in the region.

There are only a handful of Japanese farms that survived the Alien Land Law, and Japanese internment, and barely a trace of the Chinese fishing village in present-day Cannery Row. The only celebratory nod to these populations exists in the Feast of Lanterns festival, a Chinese inspired celebration of heritage. However, the Feast of Lanterns is exclusionary in itself, as it fails to adequately celebrate the population it means to appreciate. Monterey County has an amnesiac history of Asian-Americans and how crucial their labor force was in the development of the county's economies.

I. Initial Settlements of Chinese and Japanese Laborers in Monterey

A. The Chinese Fishing Village at Point Alones

In the early 1850s, a group of Chinese immigrants set sail from the Kwangtung Province, and sporadically landed throughout the coast of California.² Those who landed in Monterey made an initial camp at Point Lobos, in Carmel, California, and a permanent settlement twelve miles

2. Some Chinese immigrants settled in Mendocino, others near the Carmel River in Monterey. See *Pacific Grove's Chinese Fishing Village*, PAC. GROVE MUSEUM OF NAT. HIST., perma.cc/D3LW-X7C2 (last visited Dec. 16, 2019) [hereinafter PACIFIC GROVE MUSEUM OF NATURAL HISTORY].

across the Peninsula at Point Alones, in Pacific Grove.³ There, they established a small Chinese fishing village which prospered from 1853 to 1906.⁴ Author Robert Louis Stevenson wrote of the village, “[a]nd yet the boats that ride in the haven are of strange outlandish design; and, if you walk into the hamlet, you will behold costumes and faces and hear a tongue that are unfamiliar to the memory. The joss-stick burns. . . and a man guiding his upright pencil from right to left across the sheet, writes home the news of Monterey to the Celestial Empire.”⁵ Author John Steinbeck romanticized further, “[t]he tide goes out imperceptibly. . . the ocean recedes leaving little pools, leaving wet weed and moss and sponge, iridescence and brown and blue and China red.”⁶ The village at Point Alones initiated the fishing economy in Monterey, through their inventive use of Chinese lanterns to attract fish to the surface of the water.⁷ This method proved prosperous for not only for shrimp, and anchovies, but also for the Chinese fishermen themselves.⁸ As the village prospered, more fishermen emigrated from China to expand the industry to eventually monopolize shrimp and squid.⁹ The notorious practice of using lanterns strung along their boats at night, to attract the squid to the surface, is a custom of the industry still used today in Monterey.¹⁰ Fish odors became a physical characteristic of Monterey, a sign of environmental change as a direct result of the Chinese immigrant’s impact on the Monterey economy.¹¹

Suddenly, the village burned on May 16, 1906.¹² As legend has it, the fire was started by Protestant churchgoers moving into the area, who not only wanted a cut in the economy, but also held racial prejudice against the Chinese.¹³ This dispersed these Chinese immigrants throughout the region. The most predominant village relocated at McAbee Beach in Monterey.¹⁴ The Chinese immigrants innovative use of lanterns to attract squid is still

3. PACIFIC GROVE MUSEUM OF NATURAL HISTORY, *supra* note 2; *see also* CONNIE Y. CHIANG, SHAPING THE SHORELINE: FISHERIES AND TOURISM ON THE MONTEREY COAST 12 (2008) [hereinafter Chiang].

4. CHIANG, *supra* note 3, at 13.

5. ROBERT LOUIS STEVENSON, *The Old Pacific Capital*, in ACROSS THE PLAINS: WITH OTHER MEMORIES AND ESSAYS 78, 84 (1892).

6. JOHN STEINBECK, CANNERY ROW 74 (1945) (romanticizing “China red” as the Chinese lanterns strung across fishing boats).

7. *See* Chiang, *supra* note 3, at 14.

8. *Id.*

9. PACIFIC GROVE MUSEUM OF NATURAL HISTORY, *supra* note 2.

10. *See* CHIANG, *supra* note 3, at 14.

11. CONNIE Y. CHIANG, *Monterey by the Smell*, 73 PAC. HIST. REV., 183, 184 (2004).

12. SANDY LYDON, CHINESE GOLD: THE CHINESE IN THE MONTEREY BAY REGION 25 (1985) [hereinafter Lydon].

13. *Id.*

14. PACIFIC GROVE MUSEUM OF NATURAL HISTORY, *supra* note 2.

used to this day.¹⁵ However, the village and its inhabitants seemed to disappear without a trace after the implementation of the Chinese Exclusion Act, only occasionally found comingling with the Issei in Japantown and Chinatown areas of Salinas, California.¹⁶

In 1882, the United States enacted the Chinese Exclusion Act, which prevented Chinese immigrants currently in the United States from becoming American citizens, and further barred Chinese laborers from entering the country.¹⁷ The Chinese Exclusion Act specifically targeted Chinese laborers outright, after a lengthy history of immigration policy covertly regulating against particular races and socioeconomic backgrounds.¹⁸ The United States initially encouraged Chinese laborers, as a result of the California Gold Rush in the 1850s which created a demand for miners, as further evidenced by the Burlingame-Seward Treaty between China and the United States, facilitating Chinese immigration.¹⁹ Following industry change, Chinese laborers moved to the railroad industry, and worked in the construction of the transcontinental railroad.²⁰ However, as industry encouraged labor, white persons began vying for the employment themselves, and rallied for community exclusion.²¹ This became the national policy solidified in the Chinese Exclusion Act, barring Chinese laborers for ten years.²² The Act was consistently amended and extended perpetually thereafter until its repeal in 1943.²³

B. The Issei Community in the Salinas Valley

From the 1880s to the 1900s, Japanese immigrants established a community of laborers in the Salinas Valley.²⁴ On a typical trajectory, male laborers immigrated from Japan, to Hawaii, and then to San Francisco, in

15. See Lydon, *supra* note 12, at 24.

16. *Id.*

17. Chinese Exclusion Act of 1882, ch. 126, 22 Stat. 58 (codified as amended at Act of Apr. 27, 1904, ch. 1630, 33 Stat. 428).

18. See Gerald L. Neuman, *The Lost Century of American Immigration Law (1776-1875)*, 93 COLUM. L. REV. 1833, 1841-84 (1993) (analyzing how the nation initially regulated immigration to exclude poor and other undesirables); see also Kevin R. Johnson, *The Intersection of Race and Class in U.S. Immigration Law and Enforcement*, 72 LAW & CONTEMP. PROBS. 1, 5 (2009) (demonstrating how the Chinese were not the sole minority group targeted in immigration policy, but how it became commonplace policy in that era) [hereinafter Johnson]; see, e.g. Immigration Act of 1917, ch. 29, 39 Stat. 874, 878-79 (exempting Chinese Exclusion Act from all applications of the regulation of immigrants).

19. Henry S. Cohn & Harvey Gee, "No, No, No, No!": *Three Sons of Connecticut Who Opposed the Chinese Exclusion Acts*, 3 CONN. PUB. INT. L.J. 1, 22-23 (2003).

20. *Id.*

21. Johnson, *supra* note 18, at 5.

22. Act of Apr. 27, 1904, ch. 1630, 33 Stat. 428.

23. Extended in 1884, 1888, 1892, 1902, permanent in 1904.

24. See CHIANG, *supra* note 11, at 187.

search of work in order to send money home to Japan.²⁵ Some traveled to the Santa Cruz mountains, working along the railroad.²⁶ Others traveled further south to Salinas, California, incentivized by an abundance of land waiting to be cultivated. Salinas Valley's consistent climate, moist air, and abundance of land provided the fertile grounds for opportunity, while the railroad provided economic empowerment and market entry.²⁷ Japanese immigrants settled in the Salinas Valley in the late 19th century starting work in sugar beet fields, and strawberry fields.²⁸

These Issei, or first generation Japanese immigrants, immigrated in order to escape the dismantled government after the collapse of the last feudal Japanese military government Tokugawa Shogunate Regime.²⁹ After Japan reestablished imperial rule, the regime's immigration policy relaxed, allowing male Japanese laborers to immigrate.³⁰ Following the implementation of the Chinese Exclusion Act, the Japanese were able to fill the labor shortage void as a result of the exclusion of Chinese laborers.³¹ Japan and the United States maintained positive relations through the turn of the century, as each country was focused on other foreign policy interests.³² Male Japanese laborers began to bring their nuclear families

25. THE ISSEI OF THE SALINAS VALLEY: JAPANESE PIONEER FAMILIES: FAMILY STORIES AND PHOTOS FROM THE LATE 1800S TO 1942 I, (Mae Sakasegawa & Salinas Valley JACL Seniors eds., 2010) [hereinafter, JACL].

26. JANE W. BORG & KATHY MCKENZIE NICHOLS, NIHON BUNKA/JAPANESE CULTURE: ONE HUNDRED YEARS IN THE PAJARO VALLEY 2, (1992).

27. KEVIN STARR, CALIFORNIA: A HISTORY 151 (2005) [hereinafter Starr].

28. JACL, *supra* note 25, at 4; *see also* Mae Sakasegawa, *Japanese History: In Salinas Chinatown*, JAPANESE AMERICAN MUSEUM OF SAN JOSE BLOG (June 8, 2011), <https://perma.cc/Q4KM-FES4>.

29. Mae Sakasegawa, *The Issei of the Salinas Valley: Japanese Pioneer Families*, ISSEIPIONEERS.COM (2010), <https://perma.cc/NJ6V-3U7U>; *see also* CONRAD TOTMAN, THE COLLAPSE OF THE TOKUGAWA BAKUFU, 1862-1868 3 (1980).

30. *See* ROGER DANIELS, ASIAN AMERICA: CHINESE AND JAPANESE IN THE UNITED STATES SINCE 1850 101 (1988) (identifying a contract between Japan and Hawaii beginning in 1884 for male Japanese laborers) [hereinafter Daniels].

31. *See A More Perfect Union: Japanese Americans & the U.S. Constitution*, SMITHSONIAN NAT'L MUSEUM OF AM. HIST., <https://perma.cc/Z7PZ-9WE3>; *cf.* 22 Stat. 58 (1882) [hereinafter *A More Perfect Union*]; *see also* Madeline Y. Hsu, *Befriending the "Yellow Peril": Chinese Students and Intellectuals and the Liberalization of U.S. Immigration Laws 1950-1965*, 16 J. OF AM. EAST ASIAN REL. 139, 143 (2009) (noting the pathway for Japanese immigrants paved through exclusion of Chinese immigrants).

32. *Japanese-American Relations at the Turn of the Century, 1900-1922*, DEP'T OF STATE: OFF. OF THE HIST. (Dec. 16, 2019), <https://perma.cc/GTK6-V5KT>.

with them to the United States, and later their peripheral families, incentivized by new economies, and a lack of imperial government.³³

Prior to the enactment of the Alien Land Law, of the 155,682 acres worked by Japanese in California, the Japanese owned approximately 10%, held 51% through cash rent, and 37.9% held on shares.³⁴ The Japanese at that time were legally permitted to own land, but even so had difficulty buying land due to low capital, or implicit discrimination against Asian ownership.³⁵ Therefore, they bought the land in the names of their children born in the United States to ensure anti-discrimination based on citizenship, as well as asked American citizen friends to purchase the land for them.³⁶

C. Exclusion as a Building Sentiment

In the 1900s, Asian immigration increased tenfold, and with it, growing agitation against Asian communities.³⁷ Dividing a line between Asian immigrants and white persons publicly was a simple task, as white persons drew on the identifiable and distinct characteristics of male Asian laborers, and excluded them from public spaces.³⁸ After the Chinese Exclusion Act barred Chinese laborers from immigrating, white persons refocused the anti-Asian rhetoric onto the Japanese. The Chinese Exclusion Act provided eleven years for white laborers to reclaim a hold on manual labor, but with the Japanese providing ample competition, white laborers felt threatened.³⁹ As a result, community activist groups formed, such as the Oriental Exclusion League, Native Daughters/Native Sons of

33. ERIKA LEE, AT AMERICA'S GATES: CHINESE IMMIGRATION DURING THE EXCLUSION ERA, 1882-1943 30-46 (2003) (identifying how growing public resentment towards Japanese immigrants on the West Coast caused the signing of the Gentlemen's Agreement.); see Jordan Sand, *Gentlemen's Agreement, 1908: Fragments for a Pacific History*, 107 REPRESENTATIONS 98, 100 (2009) (analyzing the appeal of the American sentiment, compared to the anti-Asian rhetoric) [hereinafter Lee]; see, e.g., SEATTLE DAILY TIMES, May 4, 1900, <https://perma.cc/CE9G-5DPA>.

34. Miriam J. Wells, *The Resurgence of Sharecropping: Historical Anomaly or Political Strategy?*, 90 AM. J. SOC. 1, 9 (1984) (citing the U.S. Census and Immigration report) [hereinafter Wells].

35. *Id.* at 9.

36. *Id.*

37. Edwin Ferguson, *The California Alien Land Law and the Fourteenth Amendment*, 35 CALIF. L. REV. 61, 63 (1947) (analyzing how the 12,000 Japanese immigrants increase in 1900 created antipathy, as prior there were merely 2,000 Japanese aliens in California) [hereinafter Ferguson].

38. Guillermina Jasso & Mark R. Rosenzweig, *Characteristics of Immigrants to the United States: 1820-2003*, in A COMPANION TO AMERICAN IMMIGRATION 328, 334 (Reed Ueda ed., 2006) (identifying how prior to, and thereafter, Chinese and general non-white exclusion correlated to the definition of "white").

39. Ferguson, *supra* note 37 (analyzing how the 12,000 Japanese immigrant increase in 1900 created antipathy, as prior there were merely 2,000 Japanese aliens in California).

the Golden West, American Legion, California State Grange, and Japanese/Korean Exclusion League to protest against Japanese immigration into California and propound anti-Japanese rhetoric.⁴⁰ Specifically in San Francisco, these individual community groups formed the Asiatic Exclusion League in 1905.⁴¹ The *San Francisco Chronicle* ran consistent anti-Japanese rhetoric for a year and half, and urged similar, if not a more stringent implementation of exclusion mechanisms as the Chinese Exclusion Act.⁴²

Anti-Japanese rhetoric reached an apex in 1906, when the San Francisco Board of Education segregated Japanese and Chinese children from schools with white children.⁴³ Such an escalation brought the matter to the attention of then-President Teddy Roosevelt, who implemented a Gentleman's Agreement between the United States and Japan, after a series of negotiations between the Board of Education, Secretary of State Elihu Root, and government envoys from Japan.⁴⁴ Under the quasi-executive agreement, signed in February 1907, Japan halted the issuance of passports for male Japanese laborers destined for America. In exchange, the United States ceased the segregation of Japanese children in schools, and permitted greater rights to Japanese laborers who already resided in the United States.⁴⁵ This foreign policy decision effectively limited future immigration of Japanese to the United States and was not codified but rather appended to another foreign policy agreement. In 1908, Secretary of State Root signed the Root-Takahira Agreement with Japanese Ambassador Takahira Kogoro, where Japan promised to recognize the

40. MARK HOWLAN RAWITSCH, *THE HOUSE ON LEMON STREET: JAPANESE PIONEERS AND THE AMERICAN DREAM* (2012) [hereinafter Rawitsch].

41. Ferguson, *supra* note 37 (summarizing the Exclusion League as an organization for segregation in schools and anti-Japanese labor laws).

42. RAWITSCH, *supra* note 40.

43. FRANK F. CHUMAN, *THE BAMBOO PEOPLE: THE LAW AND JAPANESE AMERICANS* 20 (1976); *see* Rawitsch, *supra* note 40. at 41 (analyzing other legislative measures to lessen Japanese rights in marriage, voting, public office); *see, e.g.*, *In re Hong Yen Chang*, 84 Cal. 163, 165 (1890) (holding that courts are expressly forbidden to issue certificates of naturalization to any native of China, thereby voiding the Mongolian petitioner's certificate of naturalization).

44. Shiho Imai, *Gentlemen's Agreement*, *DENSHO ENCYCLOPEDIA*, <https://perma.cc/E55Y-CUEK> (showing the path of the negotiation between the parties in the United States and Japan).

45. Michael S. Teitelbaum, *Chapter Twelve: Demography and American Immigration*, in *A COMPANION TO AMERICAN IMMIGRATION* 275, 280 (Reed Ueda ed., 2006) (showing how the desegregation of schools was a minor United States immigration policy change, as the general public had greater aim at identifying and eliminating "laissez-fair" immigration policy).

United States' territorial possessions in the Pacific, an "Open-Door" policy in China, and the provisions of the Gentlemen's Agreement.⁴⁶

As a result of these distinct class and race immigration policies through 1880-1910, male Asian immigrants, who were able-bodied, and working-age, were left stranded in the United States without the ability to return home.⁴⁷ Often, these men wrote home to find a spouse to bring abroad, which became known as the "picture bride" phenomena.⁴⁸ However, these picture brides soon became the target of immigration policy, as white lawmakers feared these Issei women having children who would be Asian-American citizens.⁴⁹ This sentiment continued throughout the 1900s until Japan signed the "Ladies' Agreement," which ended the "picture brides" immigration system and created a small window of opportunity for Japanese immigrants in the United States.⁵⁰

II. Enactment of the Alien Land Law

In the 1910 California state elections, the governor race reflected the current political climate of the state. Following the implementation of railroads, states began competing for economic prowess in particular goods.⁵¹ Governor Hiram W. Johnson won the state election using the slogan, "Kick the Southern Pacific out of politics."⁵² Although this slogan first merely correlated to his stance on anti-trust industries, it eventually coincided with his stance on immigrants of the Southern Pacific. After taking office, his stance on the political movement for an Alien Land Law changed, and Governor Johnson signed the California Alien Land Law in

46. DANIELS, *supra* note 30, at 1228 (addressing the construction of the Root-Takahira agreement, and provisions implemented); *cf. A More Perfect Union*, *supra* note 31 (identifies the executor of the agreement as Foreign Minister Hayashi).

47. Suzanne M. Sinke, *Gender and Immigration*, in *A COMPANION TO AMERICAN IMMIGRATION* 289-308 (Reed Ueda ed., 2006) (particularizing the anti-miscegenation laws in place, exacerbating the desire to marry within one's own race) [hereinafter Sinke].

48. *See generally* Kelli Y. Nakamura, *Picture Brides*, *DENSHO ENCYCLOPEDIA* <https://perma.cc/F7JV-YH5P> (last visited Dec. 16, 2019); *see Sinke, supra* note 47 (explaining the picture bride phenomena).

49. Sinke, *supra* note 47.

50. *See generally A More Perfect Union, supra* note 31; *see also* Victor M. Hwang, *Brief of Amici Curiae Asian Pacific Islander Legal Outreach and 28 Asian Pacific American Organizations, in Support of All Respondents in the Six Consolidated Marriage Cases, Lancy Woo and Cristy Chung, et al., Respondents, v. Bill Lockyer, et al., Appellants on Appeal to the Court of Appeal of the State of California, First Appellate District, Division Three*, 13 *ASIAN AM. L.J.* 119, 132 (2006) (demonstrating the detrimental impact of continuous bars on immigration based on gender and race).

51. Post-California Gold Rush, California began stimulating its mining business, while attempting to encourage agriculture.

52. In reference to the Southern Pacific Railway's political power amounting in the southern region.

1913. California Attorney General Ulysses S. Webb exercised influence on this political switch, as he held the Attorney General's position since 1902, and largely encouraged the enactment of the Act.⁵³ California was the first state to enact an Alien Land Law statute, but it paved the way for many western states to enact similar provisions in their statutes or state constitutions.⁵⁴ The Alien Land Law served as a mechanism to exclude Japanese aliens from owning property, an initial domino in what led to the outright exclusion of the Japanese in their internment.

A. Statutory Analysis

Section one of the Alien Land Law recited the laws available to citizens of the United States.⁵⁵

All aliens eligible to citizenship under the laws of the U.S. may acquire, possess, enjoy, transmit, and inherit real property, or any interest therein, in this state, in the same manner and to the same extent as citizens of the United States except as otherwise provided by the laws of this state.⁵⁶

Facially, the statute gives rights to every citizen and people eligible to own land. States have full power to enact laws governing the property rights of its constituents, so long as they do not conflict with laws in regard to the equal protection or due process of individuals.⁵⁷

Section two of the Alien Land Law applied to individuals who are not eligible for citizenship.

All aliens other than those mentioned in section one of this act may acquire, possess, enjoy and transfer real property, or any

53. Webb stated, "the fundamental basis of all legislation upon this subject, State and Federal, has been and is, race undesirability. It is unimportant and foreign to the question under discussion whether a particular race is inferior. The simple and single question is, is the race desirable. [The law] seeks to limit their presence by curtailing their privileges which they may enjoy here; for they will not come in large numbers and long abide with us if they may not acquire land." Ulysses S. Webb, Cal. Attorney Gen., Speech Before the Commonwealth Club of San Francisco (Aug. 9, 1913).

54. These states included: Arizona, Washington, Texas, Louisiana, New Mexico, Idaho, Montana, and Oregon, until World War II, whereby Arkansas, Minnesota, Nebraska, Utah, and Wyoming followed suit; *see, e.g.*, Brian Niiya, *Escheat Suits*, DENSHO ENCYCLOPEDIA, <https://perma.cc/88LD-QB9K> (last visited Dec. 16, 2019) (suggesting other states were motivated by California's law, as they did not want to receive Japanese aliens excluded by California's law) [hereinafter Niiya].

55. Alien Land Act, ch. 10, § 1, 1921 Cal Stat. 2436.

56. *Id.*

57. *See Blythe v. Hinckley*, 180 U.S. 333, 342 (1901) (discussing precedent regarding States, in the absence or presence of a treaty, and the ability to take alien property).

interest therein, in this state, in the manner and to the extent and for the purpose prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise.⁵⁸

Albeit, facially neutral, the statute gave the right to own property conditioned on the rights conferred from the treaty between that alien's nation and the United States.⁵⁹ This presented two issues: (1) if there is a treaty, but it does not dictate an ability to acquire real property, who governs the alien's right to the real property? (2) who is the definition of an alien ineligible for citizenship?

1. States may govern alien's property rights when no treaty provision applies.

The presence of a treaty, but the lack of a provision within the treaty addressing the acquiescence of real property, left open the right to regulate to the State itself.⁶⁰ Under section two of the law, only aliens ineligible to citizenship gained their right to own property from their nation's treaty with the United States.⁶¹ When the Alien Land Law was enacted, the Chinese Exclusion Act still applied, and therefore only limited presiding Chinese immigrants from owning land.⁶²

For Japanese immigrants, Japan and United States relations were dictated by their Treaty of Friendship, Commerce, and Navigation.⁶³ Japan contracted for its citizens in the United States to receive "the most constant protection and security for their persons and property, and enjoy the same rights and privileges as are or may be granted to native citizens or subject on their submitting themselves to the condition imposed upon the native citizens or subjects."⁶⁴ Further, "the citizens or subjects of each . . . country shall have liberty to enter . . . to own or lease and occupy houses, manufactories, warehouses and shops. . . to lease land for residential and

58. Alien Land Act, ch. 10, § 2; *see also* 8 U.S.C. § 1101 (defining "alien" as any person not a citizen or national of the United States.).

59. *Id.*

60. *See* *Cockrill v. California*, 268 U.S. 258, 263 (1925) (giving the states broad discretion in the classification of aliens, in the presence of a treaty); *cf.* *Chy Lung v. Freeman et al.*, 92 U.S. 275 (1875) (awarding broad discretion to Congress to implement immigration policies, but not addressing the class-based immigration policy system states had used to target anti-immigration policies against particular races).

61. Alien Land Act, ch. 10, § 2; *see also* *Cockrill*, 268 U.S. at 263 (permitting classifications in property rights based on alienage).

62. Chinese Exclusion Act of 1882, ch. 126, 22 Stat. 58.

63. Treaty of Commerce and Navigation Between the United States and Japan, 37 Stat. 1504 (1911).

64. *Id.*

commercial purposes.”⁶⁵ This treaty provision guided respect for property, but failed to establish a right to obtain property in itself, especially for agricultural purposes.⁶⁶ Due to the absence of an applicable treaty provision, the state may exercise its police power in denying ownership to land within its borders.⁶⁷

2. Defining “Aliens Ineligible for Citizenship.”

Further legislation clearly determined “aliens ineligible for citizenship” applied to immigrants from Asia.⁶⁸ First, the Immigration Act of 1917, also called the Asiatic Barred Zone Act, held the following class of persons were excluded from admission to the United States: “persons who are natives of islands not possessed by the United States adjacent to the Continent of Asia [and confined within the Asian geographic region].”⁶⁹ These Congressional efforts established the exclusion of Asian-Pacific immigrants from most immigration points, and when they were able to immigrate, they did so with limited rights.⁷⁰

The Supreme Court solidified this denial of citizenship to Japanese immigrants in *Ozawa v. United States*. The Court analyzed the naturalization acts to determine if an alien of Japanese descent, who fulfilled the obligations of committing to residing in the United States and

65. Treaty of Commerce and Navigation Between the United States and Japan, *supra* note 64.

66. See *Terrace v. Thompson*, 263 U.S. 197, 223 (1923) (“[t]he treaty not only contains no provision giving Japanese the right to own or lease land for agricultural purposes, but, when viewed in the light of the negotiations leading up to its consummation, the language shows that the parties intended to withhold a treaty grant of that right to citizens or subjects of either in the territories of the other.”).

67. *Id.* at 224 (giving Congress full treaty-making authority, but when there is an absence of an applicable provision guiding a particular right, conferring the right to the states); *cf.* *Hinckley*, 21 S.Ct. at 394 (1901) (demonstrating that Congressional power to make the supreme law of the land carries with it the rights of treaties to trump state law).

68. Immigration Act of 1870, ch. 255, 16 Stat. 256, amended Act to Correct Errors, ch. 80 18 Stat. 318 (1875); see Immigration Act of 1924, ch. 190, 43 Stat. 153 (barring all aliens ineligible for citizenship from coming to the United States); see also McCarran-Walter Immigration and Nationality Act, ch. 190, 43 Stat. 159 (1952) (limiting the quota of immigrants permitted from the Asia-Pacific triangle, or specifically China, to merely one hundred); see also Act of June, 27, 1952, ch. 477, § 202(a), 66 Stat. 163, 176 (charging those with one-half of Asian-Pacific ancestry as though they are Asian to apply to subsection b, unless they are spouses already citizens in the U.S. or children of the alien born in the U.S.); see also *id.* § 202(b) (implementing a unilateral quota cap at 100 annually for Asia-Pacific aliens, who fall under the one-half percentile); *cf. id.* § 202(e) (regulating Asia-Pacific immigrants to two thousand, in all cases of change).

69. See Immigration Act of 1917, ch. 29, 39 Stat. 874 (excluding all natives of Asia within designated limits of latitude and longitude).

70. See DANIELS, *supra* note 30.

spoke clear English, could obtain United States citizenship.⁷¹ The language “any alien being a free white person” was consistent throughout the history of the naturalization laws, and Congress did not show any intent to further extend this language aside from the implemented exception to those of African descent.⁷² The Court construed this language to infer an affirmative right to citizenship only to the class of persons the framers knew and regarded as white.⁷³ The rights for aliens to obtain citizenship was solely to include white persons and exclude all other races, according to the *Ozawa* Court.⁷⁴

As to what constituted the white race, the court implemented a racial test, following previous federal and state uniform policy in that era, where white persons constitute individuals of Caucasian race.⁷⁵ The *Ozawa* establishment of white persons as the only source of aliens eligible for citizenship, grounded the Alien Land Law as exclusionary against all persons of Asian descent.

III. Application of the Alien Land Law

A. Judiciary Condone the Alien Land Laws, Permitting National Application

The jurisprudence argued upon the Alien Land Law validated these exclusion efforts. In *Terrace v. Thompson*, the Court validated state classifications of citizenships which denied real property ownership to Asian immigrants.⁷⁶ Washington enacted a state constitutional provision which barred aliens from owning land unless they had a good faith intention to become citizens of the United States.⁷⁷ The plaintiff Terrace argued that the denial of their ability to negotiate and consent to a lease with a citizen of Japan, an action banned by the Washington constitution, was a denial of their right to due process.⁷⁸ The Court held that although aliens are entitled

71. *Ozawa v. United States*, 260 U.S. 178, 189 (1922).

72. *Ozawa*, 260 U.S. at 194 (“[t]he language of the naturalization laws from 1790 to 1870 had been uniformly such as to deny the privilege of the naturalization to an alien unless he came within the description ‘free white person.’”).

73. *Id.*

74. *Id.* (disregarding the word “free” from the phrase “free white persons” due to the cessation of slavery – such that the phrase holds as “any alien being a white person”).

75. See *Ozawa*, 260 U.S. at 197; see also *United States v. Thind*, 261 U.S. 204, 214-15 (1923) (expanding *Ozawa*’s Caucasian test, holding that it applies as the common man understands, not in an epidemiological way, such as to only include those deriving from Europe; declining to decide if any race from the Asiatic realm apply, but noting there’s substance to say no Asian race was intended to be included).

76. *Terrace v. Thompson*, 263 U.S. 197, 210.

77. *Id.* at 212.

78. *Id.*

to Constitutional due process protections, the state still retains the powers to police in areas necessary to protect the people within the confines of their borders.⁷⁹ In language that would be considered rational basis review today, the Court gave great deference to state action in matters that pertain to public policy. Further, the Court denied the right to legal citizens to negotiate property with an alien, as it applies equally to all aliens and fails to arbitrarily deprive property in a manner inconsistent with common-law.⁸⁰

The *Terrace* Court stepped further, and accepted the states classification in naturalization applied to property law as true.⁸¹ If Congress created classifications of citizenship based on naturalization, then it is reasonable for a state to use those classifications in its own police power.⁸² The Court offered the justification that states have an interest vested in land ownership, as those who own land within its boundaries are more likely to progress the welfare of the state, and states may rationally conclude that noncitizens owning land may jeopardize the safety and power of the state itself.⁸³

After *Terrace* formed the foundational layer for alien exclusion in land ownership, the Court then used *Terrace* as to further limit aliens' rights. In three cases that challenged the California Alien Land Law, the Court solidified California's right to exclude Japanese aliens from owning (1) personal stock, (2) leasing land, and (3) entering into a cropping contract.⁸⁴ These cases established a blanket exclusion mechanism for California to oust Japanese aliens from their land. In escheat actions, the state foreclosed and obtained possession of land that was obtained in violation of the Alien Land Act.⁸⁵ Escheat actions were not widely used, until post-Pearl Harbor animus, as enforcement of the Alien Land Act usually was only motivated by malice.⁸⁶

79. *Terrace*, 263 U.S. at 217.

80. *Id.*

81. *Id.* at 220.

82. *Id.*

83. *Id.*

84. See *Frick v. Webb*, 263 U.S. 326 (1923) (prohibiting a United States citizen from selling stock in a farming company to a Japanese alien); see also *Webb v. O'Brien*, 263 U.S. 313 (1923) (prohibiting a United States citizen from contracting around the Alien Land Law); see also *Porterfield v. Webb* 263 U.S. 225 (1923) (solidifying the precedent of *Terrace* in application to the California statute, forbidding a United States citizen from leasing property to a Japanese citizen).

85. See *Niyya*, *supra* note 54.

86. See *LEE*, *supra* note 33.

B. Local Application: Agriculture's Avoidance Mechanisms in the Salinas Valley

1. Salinas Sharecropping

Due to the Alien Land Law, Japanese Issei could not own land. In Salinas, this manifested itself in a share-cropping boom.⁸⁷ Sharecropping permits an owner to lease out land to be cultivated and used to the cultivator's benefit. Profits were split among the cultivator and landowner. Sharecropping became a popular avoidance mechanism from the Alien Land law, as well as a method for Japanese to assume quasi-ownership over land they were not able to afford outright. Due to their large family sizes after the picture bride boom, cultural norms of trust and communication impeding efforts to integrate, and anti-Asian sentiments, it was easier to lease and work the land than to own outright.⁸⁸

Although not under formal contract as most sharecropping is done today, there were customs implemented that identified the practice as sharecropping. Sharecroppers provided labor, sometimes personal knowledge acquired from working in the sugar beet fields of Hawaii, while owners provided land, each splitting the profits equally.⁸⁹ Landowners and tenant arrangements varied based on expertise and knowledge of the area, but consistently, large plots of land were allocated to particular families or relatives, and rotated in four year rotations.⁹⁰ Since most males had traveled with their brothers, or picture brides married immigrant brothers to ease transport costs, most large farms accommodated one to two extended families.⁹¹ This enabled communication and ease for new immigrant farmers to learn the method of their already learned family members.⁹² Further, it was necessary to move from different plots due to diseases accumulating within the soil.⁹³

Strawberries and lettuce boomed under this method.⁹⁴ Women and men alike worked the share-cropped strawberry fields and increasingly

87. See Miriam J. Wells, *Politics, Locality, and Economic Restructuring: California's Central Coast Strawberry Industry in the Post-World War II Period*, 76 *ECON. GEOG.* 28, 30 (2000).

88. Miriam J. Wells, *The Resurgence of Sharecropping: Historical Anomaly or Political Strategy?*, 90 *AM. J. SOC.* 1, 9 (1984) [hereinafter Wells, *Resurgence of Sharecropping*].

89. Wells, *Resurgence of Sharecropping*, *supra* note 88.

90. *Id.*

91. *Id.*; see, e.g., JACL, *supra* note 25 at 50 (demonstrating Kichita Higashi, a Japanese immigrant who varied with potato, grape, raisin, and pea farming, eventually sharecropping 50 acres of lettuce with Jim Bardin Ranches with his family of four).

92. *Id.*

93. Wells, *Resurgence of Sharecropping*, *supra* note 88.

94. JACL, *supra* note 25, at 16.

solidified Salinas' agricultural economy.⁹⁵ The Japanese Issei brought their knowledge of working rice and tea fields in Japan, and interim positions in Hawaii's fields, to Salinas's wide land area. For example, Heishihiro Frank Hirozawa is known as the first farmer to raise celery in Salinas Valley, after he worked for years at Spreckels Sugar Beet Company, where he planted and cultivated a variety of crops.⁹⁶ Japanese fields were renowned for exclusively high-priced, high-yield, fresh, and market-worthy berries due to their precision in plowing, planting, spraying, and weeding methods.⁹⁷

Despite the anti-Asian rhetoric brewing throughout the United States, sharecroppers and their landowners had tight-knit bonds. Often, the land ran with the same families for years, and hired hands were given jobs based on recommendations from the landowner's sharecropper's knowledge of the personal background of the hired hand.⁹⁸ Further, landowners established rent ceilings for Japanese in the Valley through enrollment in Japanese farm organizations, whereby both landowners and sharecroppers established industry customs.⁹⁹ These customs also ensured market entry to the San Franciscan market by selling as "landowner-established" standards, which severed signified safe consumption.¹⁰⁰

The Alien Land Law went largely unenforced prior to World War II, only escheating around 145,374 landowners from their property between its enactment in 1913 and the internment in 1943. After the 1920 cases closed loopholes within the law, leases and ownerships of Japanese farms fell by 25%, or 50% based on acreage, and there was a 25% drop in Japanese tenant operated farms.¹⁰¹ The drop was likely due to the agricultural crisis in 1921 that led up to the Great Depression. Alternatively, some argue the drop was due to increased industrialization and precision in farming methods and development of Salinas' urban Chinatown communities, which allowed for greater opportunity for Japanese Issei and Nissei outside of farming.¹⁰²

Despite the drop in ownership, the California Supreme Court validated the avoidance mechanism of buying land in the name of children born in the United States. In the case of *Estate of Tetsubumi Yano*, father

95. See JACL, *supra* note 25, at 13 (showing Yuzo Arima and his wife Moyo who share-cropped strawberries, and worked as foreman for lettuce farms); see JACL, *supra* note 25, at 17 (Kakuzo Endo developing businesses along Salinas' Chinatown to accommodate for the emerging need for urban businesses.).

96. JACL, *supra* note 25, at 56.

97. Miriam J. Wells, *Ethnic Groups and Knowledge Systems in Agriculture*, 39 ECON. DEVEL. & CULTURAL CHANGE 739, 742 (1991).

98. Wells, *Resurgence of Sharecropping*, *supra* note 88, at 10.

99. *Id.*

100. *Id.*

101. Masao Suzuki, *Important or Impotent? Taking Another Look at the 1920 California Alien Land Law*, 64 JOUR. ECON. HIST. 125, 131 (2004).

102. *Id.*

Hayao Yano, an alien Japanese, exercised a deed for fourteen acres in Butte County using his minor daughter, Tetsubumi, as owner.¹⁰³ First, the court held that as a native-born American citizen, she was entitled to acquire and hold property, even as a minor, since all delivery and transfers of property in the deed were valid.¹⁰⁴ Second, the court established that conveyances to aliens disqualified to own land still are valid conveyances, until the state exercises the action to escheat the land.¹⁰⁵ This established not only an ownership mechanism for Japanese immigrants, but also ensured that those who had owned land may continue to do so until the state exercised escheat actions against them.¹⁰⁶

Between the enactment of the Alien Land Law and the bombing of Pearl Harbor, Salinas established itself as the “Salad Bowl of the West” through the help of Japanese immigrant labor. The Asian-American culture was vibrant in the heart of Salinas. On Lake Street’s four block radius, bordered by the Southern Pacific Railroad, “Japantown” and “Chinatown” emerged.¹⁰⁷ The Japanese and Chinese owned businesses, such as beauty shops, bathhouses, and medical offices, lined the streets.¹⁰⁸ The Nissei generation, the second-generation people after the Issei, integrated into English-speaking schools while they spoke Japanese at home.¹⁰⁹ The farming community welcomed them with open arms due to their dedication and work-ethic on the farm and culture of respect and deference for those who hold control.¹¹⁰

In 1932, the Monterey Nisei began the Monterey chapter of the Japanese American Citizens League (“JACL”).¹¹¹ Initially, the Monterey JACL focused on assisting their Issei parents with tasks such as their tax filings due to their unfamiliarity with the United States’ tax system.¹¹² Additionally, the JACL organized socials to integrate with others in the community, as well as participated in local disputes in regards to fair housing and fishing rights.¹¹³ This integration is counter to not only other municipalities, like San Francisco, but also counter to the treatment of other immigrants.

103. *In re Guardianship of Yano*, 188 Cal. 645, 647 (1922).

104. *Id.* at 649.

105. *Id.*

106. *See* JACL, *supra* note 25, at 86 (showing Isaburo Ito and his family leasing 100 acres of Jack Dougherty’s farm under the names of two United States citizens who were children of another family on Dougherty’s property).

107. *Id.*

108. *Id.*

109. *Id.*

110. *Id.*

111. SANDY LYDON, THE JAPANESE IN THE MONTEREY BAY REGION: A BRIEF HISTORY 78 (1997) [hereinafter Lydon, JAPANESE IN THE MONTEREY BAY].

112. *Id.*

113. *Id.*

2. Stark Contrast: Violent Filipino Resentment

In comparison to the Japanese, Filipinos were considered United States nationals due to the acquisition of the Philippines as a United States colony in 1898.¹¹⁴ Thus, Filipinos were inapplicable to the Alien Land Law. Despite this, discrimination against Filipinos was much more outright and violent in Monterey County as compared to the Japanese.

Initially, Filipinos filled the labor shortage void after the enactment of the Chinese Exclusion Act and Alien Land Law, which discouraged Japanese from owning land outright. After the agricultural decline in the 1920s, the 1930s saw a rise in laborers drawn to Salinas. Tent and camp housing sprouted along the streets that once were clean and well-maintained after Great Depression drew Dust Bowl Migrants to the area.¹¹⁵ Monterey County Supervisors combatted these encampments through implementation of an ordinance that granted local power to regulate sanitary conditions in labor camps.¹¹⁶ However, this ordinance targeted Filipino laborers, as they were one of the poorest labor groups in Salinas outside of Dust Bowl Migrants and the newest immigrant group to influx.¹¹⁷ Particularly disturbing to Monterey residents, Filipinos married white women, disrupting inherent anti-miscegenation social norms.¹¹⁸

Filipinos were increasingly discriminated against after the acquisition of the Philippines, as their colonized status lowered their rank in a perception of “Asiatic invasions,” such that they were considered worse than the Chinese, Japanese, and South Asian “invasions” that preceded them.¹¹⁹ In Monterey, Judge D. W. Rohrback exemplified this sentiment when he described Filipinos as, “little brown men about ten years removed from a bolo and breechcloth.”¹²⁰ In January 1930, Monterey County passed a number of anti-Filipino resolutions, which targeted their wages, housing, and work opportunities.¹²¹

114. ERIKA LEE, *THE MAKING OF ASIAN AMERICA: A HISTORY* 184 (2015) [hereinafter Lee].

115. *City of Salinas History*, SALINAS PUBLIC LIBRARY, <https://perma.cc/U9TH-QRC5> (last visited Sept. 27, 2020) [hereinafter *City of Salinas*].

116. *Id.*

117. LEE, *supra* note 115.

118. *City of Salinas*, *supra* note 116.

119. LEE, *supra* note 115.

120. *Id.* (citing REPORT ON CIVILIAN DETENTION STATION, SEAGOVILLE, TEXAS, May 23, 1942 File 740.00115 EUROPEAN WAR 1939/4004).

121. *City of Salinas*, *supra* note 116.

On January 18, 1930, in Watsonville, 500 white men and youths gathered outside a Filipino-owned, white women strip club.¹²² The mob threatened to burn the club down, while the owners threatened to shoot at the mob if they persisted.¹²³ When the mob refused to leave, the owners fired at the mob. Police broke up the riot thereafter with gas bombs.¹²⁴ Two days later, on January 20, a group of Filipino men met with a group of white men near the Pajaro River to settle the score.¹²⁵ Hispanic men arrived to take the white men's sides, and a riot ensued for five days.¹²⁶ The white mob went to Filipinos' homes, dragged them out, and beat them.¹²⁷ Some Filipinos were killed, thrown off the Pajaro River Bridge, or rounded up and intimidated from going to work in the agriculture or canning communities.¹²⁸ The sheriffs of Watsonville and Monterey County eventually gathered as many Filipinos as they could rescue, and guarded them in the City Council's chamber while the river area was secured.¹²⁹

This violence spread throughout Northern California, with similar events occurring in Gilroy, San Jose, San Francisco, and Stockton. Many Filipinos fled back to the Philippines, which plummeted Filipino immigration numbers.¹³⁰

Filipino exclusion was explicit and violent, yet effective. By enacting a clear divide between those who are white and those who were Filipino, then enforcing the divide through civil disorder, Monterey County and Northern California residents drove out a distinct labor force. The exclusion of Filipinos demonstrated the most extreme form of exclusion between United States citizens and Asian immigrants, as they were unwelcomed in all parts of American society. Contrastingly, since the Japanese were not eligible for citizenship, it was "enough" to exclude them based on rights to ownership, as other federal laws excluded Asians from society and communities. Further, the Japanese were well-regarded in Salinas because they were loyal to their landowners, hardworking, and abided by cultural norms of respect.¹³¹ "The anti-Japanese mutterings

122. Donna Jones, *Riots in 1930 Revealed Watsonville Racism: California Apologizes to Filipino Americans*, SANTA CRUZ SENTINEL, Sept. 3, 2011 at 1 [hereinafter Jones]; see also Oakland Museum of California, *Depression Era: 1930s: Watsonville Riots*, PICTURE THIS: CALIFORNIA PERSPECTIVES ON AMERICAN HISTORY (last visited Sept. 27, 2020), <https://perma.cc/R76U-A57M>.

123. Jones, *supra* note 123.

124. *Id.*

125. *Id.*

126. JOEL S. FRANKS, *CROSSING SIDELINES, CROSSING CULTURES: SPORT AND ASIAN PACIFIC AMERICAN CULTURAL CITIZENSHIP* 35 (2000).

127. *Id.*

128. *Id.*

129. FRANKS, *supra* note 126.

130. LEE, *supra* note 115, at 184.

131. Lydon, *supra* note 112, at 91.

continued, but a begrudging respect had grown for these hardworking people whose kids seemed just like everybody else's. . .moving towards the mainstream of American society."¹³² The Japanese immigrants in Salinas and Monterey had earned the respect of their American partners through their enterprise in agricultural business.

However, the 1940s brought the Japanese integration in Salinas to a halt.

IV. World-War II: Internment

Despite the growth of the Japanese in Salinas and begrudging acceptance of the Japanese, all sentiments changed after the bombing of Pearl Harbor. After December 7, 1941, the number of escheat actions in the state skyrocketed. Attorney General of California, Earl Warren, gathered maps to identify Japanese properties throughout the state, and used vague correlations to identify conspiracy theories of future sabotage and perpetuated the need to isolate this class of Americans.¹³³ On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, which ordered all Japanese citizens and legal aliens to evacuate California, Oregon, and Washington, based on the advice of Warren and Western Defense Commander John L. DeWitt.¹³⁴ Despite the facts that the Federal Bureau of Investigation and Office of Naval Intelligence cleared Japanese Americans as a threat to national security, however, DeWitt and Warren suppressed these reports and promulgated an exclusion of a whole population on the basis of military necessity.¹³⁵ Soon, both houses of Congress passed Public Law 503 with a speed of bicameralism only explained by wartime fear, implementation of criminal penalties for violations of Executive Order 9066, and any military restriction authorized under the Order.¹³⁶

DeWitt implemented the internment in steps. Initially, Japanese were unable to travel during curfew from 8 p.m. to 6 a.m., then geographic-based exclusion orders followed, which banned Japanese from particular areas of localities and cities.¹³⁷ This culminated in the Evacuation Orders, where

132. Lydon, *supra* note 112, at 91.

133. Niiya, *supra* note 54.

134. ERIC K. YAMAMOTO ET AL., RACE, RIGHTS & REPARATION: LAW AND THE JAPANESE AMERICAN INTERNMENT (2 ed. 2013) [hereinafter Yamamoto].

135. *Id.*

136. *Id.*; see also Military Areas or Zones, Restrictions, ch. 191, 56 Stat. 173 (1942) (stating anyone who acts contrary to the Executive Order of the President or military commander, and should have known of the existence of the restrictions, shall be liable for a fine of \$5,000 or imprisonment per offense).

137. LEE, *supra* note 115, at 229.

all persons of Japanese descent were given a week to prepare for removal.¹³⁸

In Monterey County, following Pearl Harbor, the sentiment of fear of Japanese persons ran deep, just as it was for the rest of the country.¹³⁹ On December 20, 1941, a Japanese submarine surfaced alongside an American oil tanker, off of Cypress Point at the southern tip of Monterey Bay.¹⁴⁰ The submarine fired several shots from its deck gun at the tanker which led to a pursuit that zigzagged around the Bay.¹⁴¹ The rounds never hit the tanker, but the attack instilled fear in Monterey residents. As a result, Coast Guard patrols frequented the Bay, and with national news censorship and blackouts, so citizens did not know whether there would be another attack.¹⁴²

Throughout the winter, as the War Relocation Authority under DeWitt implemented greater Japanese exclusion mechanisms. In reaction to these mechanisms, Japanese immigrants in Monterey and Northern California expressed their loyalty to the American way and people, to demonstrate their loyalty and pride cultivated through the Issei and Nissei generations.¹⁴³ Such expressions were to no avail.

In January, with an enforcement deadline of February 24, 1942, the War Relocation Authority ordered all enemy aliens to evacuate from the immediate coast of Santa Cruz and Monterey Counties, “commencing at the mouth of Laguna Creek, running up the creek to State Highway No. 1 (coast road), then south on state highway No. 1 to the Carmel River and along the Carmel River to the Pacific Ocean then up the shoreline to the point of beginning.”¹⁴⁴

On April 1942, Exclusion Order #15 applied to all Japanese Americans in Monterey County.¹⁴⁵ All Japanese families were evacuated to an Assembly Center at the Salinas Fairgrounds on April 27, 1942.¹⁴⁶ The rush to evacuate Japanese Americans from the area was reflected in the poorly constructed, haphazard buildings of the barracks at the Salinas Assembly Center.¹⁴⁷ There were no flush toilets and meals or showers

138. LEE, *supra* note 115, at 230 (emphasis added).

139. Lydon, *supra* note 112, at 96.

140. *Id.* at 99.

141. *Id.*

142. *Id.* at 96.

143. *Id.* at 95 (citing Mike Masaoka’s JAPANESE AMERICAN CREED, Spring 1941, “I shall do it in the American way. . . because I believe in America, and I trust she believes in me, and because I have received innumerable benefits from her, I pledge myself to do honor to her at all times and in all places.”).

144. *Id.* at 104 (quoting the SANTA CRUZ SENTINEL, Feb. 2, 1942 – uprooting 571 Japanese, 1,462 Italians, and 83 Germans.).

145. JACL, *supra* note 25.

146. *Id.*

147. *Id.*

required waiting for hours in line.¹⁴⁸ Most Japanese persons complied voluntarily due to the resounding fear in the community and no one sought to protest against the United States military's clear directive.¹⁴⁹

Beginning June 28 until July 5, five-hundred internees were evacuated by train to an internment camp in Poston, Arizona.¹⁵⁰ The move to Arizona's desert in the middle of summer was a shock to the Japanese after living for years in the temperate climate of Salinas.¹⁵¹ Internment camps were initially worse constructions than the Assembly Centers, as they were not built for the climates they were located in.¹⁵² Disease ran rampant due to the close quarters and high concentration of persons from different geographies.¹⁵³ Remarkably, these Japanese managed to make the desert home, Poston was the only internment camp to have agricultural land within its barriers, which enabled the cultivation of basic crops like barley.¹⁵⁴

The Japanese internment continued until 1945. As the years progressed, it became clear that the War Relocation Authority had a diminishing basis for fear of an attack by Japanese.¹⁵⁵ The War Relocation Authority implemented other methods to determine whether or not the Japanese were loyal to the United States.¹⁵⁶ By November 1945, Poston's internment camp closed.¹⁵⁷

Although this paper does not reflect the history of the internment in depth, it is important to identify that these assembly centers and internment camps were essentially prisons. It is crucial to note that nothing can take away the horrors these immigrants and citizens faced while incarcerated.

V. Post-War Untangling – A Change in Rhetoric

As World War II began to draw towards an end, the Supreme Court ruled in *Endo* that the federal government could not indefinitely confine citizens of Japanese ancestry who were concededly loyal.¹⁵⁸ However, the Japanese internment was effectively over by that time, as the Court had effectively permitted President Roosevelt to announce the camp closures

148. Lydon, *supra* note 112, at 109.

149. JACL, *supra* note 25.

150. *Id.*

151. *Id.*

152. LEE, *supra* note 115, at 236

153. *Id.* at 238.

154. JACL, *supra* note 25.

155. LEE, *supra* note 115, at 238.

156. *See id.* (analyzing the questionnaire implemented by the WRA to determine Japanese loyalists and U.S. loyalists).

157. JACL, *supra* note 25.

158. *Ex parte Mitsuye Endo*, 323 U.S. 283, 300 (1944).

just days prior to the announcement of *Endo*.¹⁵⁹ Mitsuye Endo was the exemplar of a Japanese American, loyal to the United States, her brothers served in the United States military, she worked for the government of the United States, practiced Methodism, never visited Japan, and neither read nor wrote in Japanese.¹⁶⁰

In contrast, *Korematsu*, held internment to be an adequate application of confinement.¹⁶¹ Fred Korematsu defied the exclusion order, whereas Endo had complied and filed for freedom through a habeas corpus petition.¹⁶² The *Korematsu* Court rooted their decision in the interest of national security and need for military deference especially in times of war.¹⁶³ Establishing this line of legal versus illegal internment is otherwise indistinguishable, as the Court played with the rhetoric of the era, versus ruling on the face of the issues. It was not until recently, that the Court ultimately recognized the error in *Korematsu*.

The forcible relocation of U.S. citizens to concentration camps, solely and explicitly on the basis of race, is objectively unlawful and outside the scope of Presidential authority. . . *Korematsu* was gravely wrong the day it was decided, has been overruled in the court of history, and – to be clear – ‘has no place in law under the Constitution.’¹⁶⁴

Despite the closure of the camps, exclusion from land ownership in Alien Land Law jurisdictions emerged in full enforcement. In *Oyama*, the California Supreme Court validated actions for escheating property from alien land owners, as was unwilling to overturn the precedent of cases that permitted Alien Land Law actions.¹⁶⁵ In Monterey, Yeizo Ikeda had seventy-two acres escheated in an action commencing two years after the camp closures.¹⁶⁶ In 1928, Florence and Clarkson Dye executed a deed for 170 acres to Shizo and Mitsua Ikeda (no relation to the plaintiffs), who were all American citizens.¹⁶⁷ Yeizo and his wife Satsuka, aliens ineligible for citizenship, gave the Ikeda’s consideration for purchasing fifty-six acres of this tract.¹⁶⁸ Further, they also gave consideration for another tract, both

159. Yamamoto, *supra* note 135.

160. *Id.*

161. *Korematsu v. United States*, 323 U.S. 214, 219 (1944).

162. *Id.* at 215.

163. *Id.* at 218–20.

164. *Trump v. Hawaii*, 138 S. Ct. 2392, 2423 (2018).

165. *People v. Oyama*, 29 Cal. 2d 164 (1946).

166. *People v. Yeizo Ikeda*, 177 P.2d 948 (1947).

167. *Yeizo Ikeda*, 177 P.2d at 949.

168. *Id.*

with the intention of conveying the estates to their daughter when she reached twenty-one years of age.¹⁶⁹

The California Supreme Court held this proceeding after the Ikeda's returned from Poston and attempted to relocate on these properties.¹⁷⁰ Since the Ikeda's had only conveyed the land to their daughter after the filing of the complaint, and neighbors testified to Ikeda's reference to the land as "his property" rather than a leased property, the court held that the Ikeda's were intentionally defying the Alien Land Law, and escheated the property to the state.¹⁷¹

It was a common post-war exclusionary mechanism to enforce the provision of the Alien Land Law escheating properties conveyed to aliens in defiance of the Law. Some of the previous landowners had conveyed the land back to their prior tenants upon their return from Poston.¹⁷² The Monterey County Recorder's Office received a doubling in real estate conveyances between 1945-1947, which suggests that many Japanese aliens either purchased land in the name of their children under *Estate of Tetsubumi Yano*, or redeveloped a sharecropping arrangement with United States citizens.¹⁷³ Those against the reintegration of Japanese, could report to the authorities, using the intent to evade the Alien Land Law as the enforcement of this exclusion.¹⁷⁴

One year later, the Court struck down California's Alien Land Law, when *Oyama* was appealed and thereafter reversed.¹⁷⁵ *Oyama* held that the Alien Land Law denied aliens equal protection, derived from the Fourteenth Amendment, and the Alien Land Law discriminated solely on the basis of country of origin.¹⁷⁶ The Court identified that California's Alien Land law discriminated based on Oyama's Japanese descent, thereby violating the Equal Protection Clause.¹⁷⁷

Following this dismantling of the anti-Asiatic rhetoric, the Supreme Court of California followed *stare decisis* and invalidated the Alien Land Law under *Sei Fujii v. California*. Identifying that previous California Supreme Court rulings had been reversed recently at the Supreme Court, California recognized that their precedent was no longer established law.¹⁷⁸ "The Alien Land Law is obviously designed and administered as an instrument for effectuating racial discrimination, and the most searching

169. *Yeizo Ikeda*, 177 P.2d at 949.

170. *Id.*

171. *Id.* at 949-50.

172. JACL, *supra* note 25.

173. *Id.*

174. LEE, *supra* note 115, at 248.

175. *Oyama v. California*, 332 U.S. 633, 647 (1948).

176. *Id.* at 640.

177. *Id.* at 644.

178. *Sei Fujii v. California*, 38 Cal. 2d 718, 729 (1952).

examination discloses no circumstances justifying classification on that basis.¹⁷⁹ Congress responded in turn, passing Public Law 414 in June 1952, granting Japanese aliens the right to naturalize, and become United States citizens.¹⁸⁰ Finally, in 1956 California repealed the Alien Land Law by popular vote.¹⁸¹

A. Modern Analysis: What Remains of this History?

The remnants of the Alien Land Law disappeared from Monterey's history. Presently, the Salinas Assembly Center is the Salinas Sports Complex, encompassing the Rodeo Grounds, a small neighborhood park, a community center, and multi-sport fields.¹⁸² To recognize the internment, there is a small plaque and fenced Japanese garden.¹⁸³ Interestingly, the Ikeda's are known to have come back to farm the property they contended in *People v. Yeizo Ikeda*, in what is now developed as Carr Flats until five years ago.¹⁸⁴ Carr Flats is also a block away from the Salinas Sports Complex.

The Tanimura family's prosperity in owning, developing, and cultivating their lettuce company defies all odds, after all the exclusionary mechanisms in place. Tanimura & Antle is one of the largest lettuce suppliers in the United States today. George Tanimura, the oligarch of the Tanimura family, took over his family operation after they had defied all odds to stay within Salinas as farmers. Initially, Kichigoro "Kay" Tanimura married Hatsu in Japan, then came alone to the United States to take care of family matters related to his eldest brother.¹⁸⁵ He began working as a translator, and small-scale strawberry farmer.¹⁸⁶ He gained status in the community by operating a Japanese-oriented grocery store, while permitting room and board in the attic for transient immigrants.¹⁸⁷ After this venture, their daughter Yukino married Eijiro, the son of one of Kay's half-sisters, and adopted the Tanimura name due to the notoriety within Salinas.¹⁸⁸ Eijiro moved the family to Knight Ranch in Castroville

179. *Sei Fujii*, 38 Cal. 2d at 737–38.

180. Bunka, *supra* note 26, at 3.

181. *Id.*

182. J. Burton et al., *Salinas Assembly Center, California*, in CONFINEMENT AND ETHNICITY: AN OVERVIEW OF WORLD WAR II JAPANESE AMERICAN RELOCATION SITES, <https://perma.cc/H3YF-URZ5> (1999).

183. *Id.*

184. Email Interview with Sandy Lydon, Historian of the Monterey Peninsula (Oct. 9, 2019).

185. JACL, *supra* note 25, at 245.

186. *Id.*

187. *Id.*

188. *Id.*

in 1923 to grow iceberg lettuce and strawberries.¹⁸⁹ He leased this land from a friend, Jack Hayashi, who was born in Hawaii, which permitted him to own land despite the Alien Land Law.¹⁹⁰ The friend tragically died in a train two years later, causing the Tanimuras to rebuild completely.¹⁹¹

The Eijiro family had the help of Ellis Spiegel, a local shipper, who permitted them to sharecrop lettuce on his fields.¹⁹² They moved from a parcel off of Highway 68, to a farmhouse on Harris Road near Spreckels, to a ranch off Davis Road, and worked wherever sharecropping was available.¹⁹³ Of the surviving siblings, George traded off with his brother Charlie in working the farm, attending Salinas High School, and earning income through normal employment.¹⁹⁴ However, the Tanimura's were taken to the Salinas Assembly Center, and then to Poston for three and a half years.¹⁹⁵ George Tanimura came back to Salinas in the 1950s, redeveloping a new farming operation for lettuce in his own name.¹⁹⁶ The Tanimura's expanded into green onions and celery, and used the Antle's for packing.¹⁹⁷ By 1982, the two companies merged and blended farming and packing lettuce, and became one of the most successful lettuce companies.¹⁹⁸

The Tanimura story is one of perseverance and true connections. No matter what impeded their path, the Tanimura's worked diligently to find a new market entry. The Tanimura's no doubt needed the help of their connections in the area, but with all the exclusionary mechanisms in place throughout their family history, it is inspiring to see the family lead the Salinas Valley agricultural industry. There may be no family more deserving based on the history of the area.

Sadly, the Tanimura story is an outlier. The remnants of Japanese laborers as the initial workers of the Valley is almost completely lost. After the internment of the Japanese, Mexican migrants filled the labor shortage almost immediately.¹⁹⁹ Mexican history, already rich in Monterey as a previous capital of the Spanish Empire in Mexico, has endured throughout history. Adobes previously erected and lampposts reflecting El Camino Real show the deep-rooted history of Mexicans in Monterey. However, in

189. JACL, *supra* note 25, at 246.

190. *Id.*

191. *Id.*

192. *Id.*

193. *Id.* at 247.

194. *Id.*

195. *Id.*

196. *Legacy: Growing Partnership from the Ground Up*, TANIMURA & ANTLE (last visited Dec. 16, 2019), <https://perma.cc/J5F3-HGZG>.

197. *Legacy*, *supra* note 196.

198. *Id.*

199. Starr, *supra* note 27, at 233.

regard to Japanese heritage, little remains aside from stories and word-of-mouth histories from decedents and the JACL.

B. A Chinese Celebration or Chinese Exclusion: Feast of Lanterns

Counter to the lack of Japanese history, the Chinese fishing village is celebrated today through the Feast of Lanterns. The Feast of Lanterns initially began in Pacific Grove, California, in 1905 as a concluding celebration to a Methodist Church retreat.²⁰⁰ The Chinese village established in Monterey at that time lit all their fishing boats with lanterns. However, a year later, the Chinese fishing village was mysteriously decimated by a fire.²⁰¹ The old village of Point Alones now is the home to Hopkins Marine Station, and the Monterey Bay Aquarium.

The Feast of Lanterns is currently cast as a celebration of the Chinese fishermen who previously lived in Pacific Grove.²⁰² The Feast celebrates the Chinese, their revolution of the squid fishing industry through the use of lanterns suspended over the water at night, which causes squid to rise to the surface like moths to a flame.²⁰³

Today, the Feast of Lanterns reflects Chinese culture only in costumes and the lanterns themselves. Held every July, a week-long festival follows a royal court of Chinese princesses through summer camps, retirement homes, and community service events. Each princess is named after a rare gemstone, and one lucky woman gets to be Queen Topaz. They give out trading cards with their name, are photographed dressed in Chinese styled costumes and decorated umbrellas, and dictated the story and history of that princess. At the end of the week, at Lover's Point Pier, Monterey residents gather to watch the Feast of Lanterns story unfold, culminating in fireworks illuminating the Bay. The story mythically follows the search for a Chinese Empress, where a Chinese man, "Chang," helps the princesses escape an overbearing father. In the past, the princesses were four to nine high-schoolers, with proven application and dedication to community service.

Recently, the Feast of Lanterns Association has implemented changes in the story and beckoned the community to advise the association of ways to make the story more modern.²⁰⁴ For example, they changed the status of the male to be a Royal Guard instead of a "Chang." The association continues to encourage changes to the story each year to reflect changes in modern social norms.

200. *Feast of Lanterns: The Early Years 1905-1916*, THE BOARD AND BATTEN OF THE HERITAGE SOCIETY OF PACIFIC GROVE 5 (2008), <https://perma.cc/ZV9T-KAAQ>.

201. *Id.*

202. *Id.* at 8.

203. *Id.* at 7.

204. *The History of the Feast of Lanterns*, FEAST OF LANTERNS (last visited Dec. 16, 2019), <https://perma.cc/67AY-HREN>.

Personally, prior to writing this paper, I never found any issue with the Feast of Lanterns after attending the festival for more than a decade throughout my childhood. The Feast of Lanterns was an endearing hometown tradition, where families could gather at the beach in the middle of summer to watch the fireworks. However, this is a reflection of my ignorance. In analyzing the correlation between the history of the Chinese in Monterey, and the celebration of the Feast of Lanterns, there seem to be stark issues.

Primarily, the Festival princesses historically are not Chinese nor Asian. Occasionally there will be a Royal Court with an Asian representative, but historically, the festival is all white women. Dressing white women in Asian costumes and a white man named Chang is counter to celebrating the intended culture. Further, the festival was eerily initiated after the Chinese village was completely destroyed.²⁰⁵

The use of white individuals to represent the Asian culture is disingenuous, if not implicitly exclusionary. The inclusion of white persons and not Asian persons on the court excludes those who the celebration should represent. With historic court members almost all white, it is an inherent barrier for Asian persons to apply. A celebration of the lanterns through fishing boats and fireworks, without the Princesses and mythical backstory, is a better celebration of the Chinese culture. This more accurately celebrates the impact the village had on industry and growth in Monterey.

VI. Conclusion

Monterey has a rich history as a hub for economic development, combined with growth from differing immigrant communities. However, there is a reason why the County is predominantly higher-income, white persons. The California Alien Land Law was one of the exclusionary mechanisms implemented to subordinate Asians and Asian Americans, and ensure greater rights for white persons. Despite the law's repeal, the history of Asian Americans in the county is forgotten and overridden.

The Japanese in Salinas Valley only have traces in the current agricultural industry today, despite their immense contribution to the industry. Although Monterey generally was a hospitable and welcoming home for the Japanese interned, there is an ignorance of the events that led to the internment, as well as an ignorance regarding the existence of a major relocation site inside the county.

205. There is a dispute as to whether the Methodist Church goes burned down the fishing village themselves. However, since there was never an investigation into the fire, it is not clear whether this is truth or historic falsehood. See, e.g., Peter Fimrite, *Monterey Excavation Reveals Chinese Fishing Village*, S.F. GATE (Nov. 5, 2010), <https://perma.cc/R4N3-89Z6>.

The Chinese fishing village is celebrated through a festival with white princesses. The lack of true celebrations of these cultures demonstrates the history of the oppressed in the United States, and to this day, foundational histories are dictated by the histories of the white persons. There is less clearly targeted anti-Asian rhetoric today, however, the failure to identify and learn the history of particular communities is an exclusion mechanism in itself.