

of aliens, except the Japanese, have been affected by these laws. From this it is clear that the intent back of these laws is somewhat uncertain, and furnishes the indication that somebody "put something over."

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Since the Oregon court decision was out and the state of Washington adopted a similar attitude the laws have been generally applied. But the damage done in the Columbia river section — where the two states act more or less in concert, under a concurrent jurisdiction plan — is for many immigrants of an otherwise faultless reputation, made irreparable. The intelligence qualifications for citizenship which the aliens have struggled to acquire, since these laws were actually applied, are of little or no value to those who during the interim of testing the validity of the Oregon statute violated the law, so long as the naturalization officers contend that a violation of the state fishing license codes, constitute an offence justifying the federal government in causing the applications for citizenship in such cases to be dismissed with prejudice. District and federal judges in Oregon have so far sustained the naturalization examiners, while the present judge in the judicial district of the state of Washington, which embraces the Columbia river shore counties, in fairness to the applicants and knowing the true circumstances, is admitting such applicants over the objections of the federal examiner. These conditions and the hardships they have created is another side of this picture.

Meanwhile it is not amiss right here to consider, and it is a fact, that these laws excluding the aliens from the commercial fishing waters of the two states have become the impetus to the tremendous salmon trawling activities, beyond the point off shore, where the state jurisdiction ceases, which is giving those interested in protecting the salmon, considerable concern. Aliens, for instance, who under these laws cannot fish with nets or gear in the Columbia river basin, are now, on a large scale, engaged in trawling beyond the three mile limit. In the absence of laws, or the lack of applying such laws, preventing these fishermen from bringing their catches to shore for disposal, the alien exclusion laws have done little constructive service in the interest of protecting this great industry for the future. Little can the salmon hatcheries and propagation stations, maintained at great public expense (that is, from fishing license and tax-revenue sources) avail against the destruction of the small salmon, below commercial size, that are caught on the trawlers' lines. The evidence of this irreparable damage is now being collected in overwhelming quantities in the river nets and gears where the torn and crippled fish that get away with life, when tossed with a vicious jerk off the trawler's hook, are caught with the healthy salmon, pitifully torn and emaciated specimens, living an existence of torture in their aquatic world where life and living depends entirely on the healthy condition of the species. But, here again, it is another story, though to some extent remote, yet interlocking with the question at issue — legislating without just and sufficient cause for legislation.

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The Oregon Legislature of 1925, amended the disputed statute after being convinced that an injustice

of vast proportions had been done and that the state of Oregon in denying legitimately admitted immigrants in this commonwealth, a chance to earn a livelihood in their accustomed vocation, during the five years that they must live in America before they can become citizens, had acted contrary to the spirit of the federal statute. Though it was the specific intent in the legislators' minds also to give aliens having been in America more than five years, a two year respite, while studying for citizenship, this latter intent miscarried, in part, due to a misinterpretation of the final committee agreement, which was not discovered until after passage. A slight modification in the last provision, in the amended part of the section, to permit the intent being carried out, is scheduled for the 1927 session. The amended statute of the Oregon alien fishing law, which went into effect on February 28th, 1925, reads as follows:

Sec. 131. Licensee Must Be Citizen. That it shall be unlawful for any person to fish or take for sale or profit any salmon, sturgeon or other fish in any of the rivers or waters over which the states of Oregon and Washington have concurrent rights and concurrent jurisdiction, unless such person be a citizen of the United States and has been for one year immediately prior to the time he makes application an actual resident of the state in which he seeks to obtain his license; provided, however, that boat pullers' licenses may be issued to aliens who have resided less than five years in the United States and who have declared their intention to become citizens thereof and who possess the qualifications of residence within the state of Oregon; and provided further, that until May 1, 1927, it shall be lawful to issue a boat puller's license to any alien possessing the qualifications of residence who has been formally examined by a court of competent jurisdiction upon the petition of such alien for final citizenship papers, when it shall appear by the certificate of said court or the judge thereof that such alien, although he has failed in said examination by reason of lack of education to qualify for citizenship, has, nevertheless, in the opinion of said court or judge, shown by said examination that he is diligently endeavoring so to qualify for citizenship that he may be reasonably expected so to qualify within the time limited herein, and that he has not intentionally, wilfully, or deliberately violated any law of the state of Oregon relative to fishing nor any law of the United States, a violation of which would either constitute a bar to citizenship or warrant the court in denying with prejudice a petition for citizenship.

The amended section of the Oregon code has produced a desirable adjustment for the legitimately admitted alien who must be in the country five years before he can become naturalized. Upon acquiring a one year residential right in the state he can engage in the salmon catching industry as a helper, or more specifically classified as a "boat-puller," going out fishing with a trained naturalized citizen entitled to a boat and gear license, which, besides affording him a livelihood, gives him the opportunity of going through an apprenticeship period, as a fisherman, extending over the remaining years of his five-year naturalization qualification period. In this way the industry will also be assured of properly trained craftsmen, as it were, to carry on for the future; for the safety of life, the proper care of the fishing boats and gear (representing a considerable capital invested) and the proper consideration and observation of all the essential rules and regulations governing every phase of the industry.

The immediate adjustment of a difficulty, created by the original law, in which suddenly a veritable army of highly trained fishermen found themselves — those

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