

SECRETARY ELIHU ROOT DEFENDS PRESIDENT

His Remarkable Achievement in Settlement of Japanese and San Francisco Public School Exclusion Order

The Capital Journal presents its readers in Oregon the finest passages of the great speech made by Secretary Root at the International Law conference in defense of the wonderful and successful policy carried out by President Roosevelt in dealing with the controversy that arose with Japan over the exclusion of Japanese children from the public schools of San Francisco. The President in that instance showed the utmost courage in dealing with a situation that was loaded with the dynamite of demagoguery, that might have exploded and might have involved two friendly nations in war with less courageous and less intelligent treatment.

Following are the extracts from the speech of Secretary Root, who was also president of the conference. It is well worth reading:

History of the Controversy with Japan.

On the 11th of October, 1906, the board of education of San Francisco adopted a resolution in these words: "Resolved, that in accordance with article X, section 1662, of the school law of California, principals are hereby directed to send all Chinese, Japanese, or Koreans children to the oriental public school, situated on the south side of Clay street, between Powell and Mason streets, on and after Monday, October 15, 1906."

The school system thus provided school privileges for all resident children, whether citizen or alien; all resident children were included in the basis for estimating the amount to be raised by taxation for school purposes; the fund for the support of the school was raised by general taxation upon all property of resident aliens as well as of citizens; and all resident children, whether of aliens or of citizens, were liable to be compelled to attend the schools. So that, under the resolution of the board of education, the children of resident aliens of all other nationalities were freely admitted to the schools of the city in the neighborhood of their homes, while the children of Indians, Chinese, and Japanese were excluded from those schools, and were not only deprived of education unless they consented to go to the special oriental school on Clay street, but were liable to be forcibly compelled to go to that particular school.

After the passage of this resolution, admission to the ordinary primary schools of San Francisco was denied to Japanese children, and thereupon the government of Japan made representations to the government of the United States that inasmuch as the children of residents who were citizens of all other foreign countries were freely admitted to the schools, the citizens of Japan residing in the United States were, by that exclusion, denied the same privileges.

Privileges Under Treaties Between Nations.

Reciprocal agreements between nations regarding the treatment which the citizens of each nation receive in the territory of the other nation are among the most familiar, ordinary, and unquestioned exercises of the treaty-making power. To secure the citizens of one's country against discriminatory laws and dis-

Drain Tunnel Progresses.

New York, April 20.—Although the rock broken is the hardest kind of granite good progress is being made in the driving of the new tunnel for drainage at Cripple Creek. Single jacks are used, and the bore is now in solid formation a distance of 41 feet. The work of installing the large compressor will not be finished for several weeks, and machines will not be in operation until tomorrow. The compressor, when set up, will be operated by electric power. All excavation work for the tunnel has been finished, and the laying of a foundation for a new mill has been begun. The mill will be used in turning out timber and other lumber material necessary to the driving of the tunnel. A boarding house, machinery building and bank houses are now in course of construction. The mines handling single jacks claim that the rock encountered in driving the tunnel is of



THE ROOSEVELT LAUGH.

When the president is out in the woods he enjoys a good story, and his laugh is hearty and care free.



PRESIDENT ROOSEVELT'S LATEST PICTURE.

In repose the president's face is very solemn and dignified; in action it is one of the most expressive countenances in America.



THE PRESIDENT'S SMILE FOR THE CHILDREN.

President Roosevelt loves the children, and one of his most kindly smiles is reserved for them.



WHEN THE PRESIDENT IS STRENUOUS.

When President Roosevelt clinches a point in the midst of his oratory his set expression is proof in itself of his earnestness.

CHARACTERISTIC POSES OF THE PRESIDENT

criminary administration in the foreign countries where they may travel or trade or reside is, and always has been, one of the chief objects of treaty making, and such provisions always have been reciprocal.

During the entire history of the United States provisions of this description have included privileges, liberties, and rights relating to the rights of residence which were accorded to the citizens or subjects of the most-favored nation. The questions thus raised were promptly presented by the government of the United States to the federal court in California, and also to the state court of California, in appropriate legal proceedings. The matter has been happily disposed of without proceeding to judgment in either case; but in the meantime there was much excited discussion of the subject in the newspapers and in public meetings and in private conversation.

It is a pleasure to be able to say that never for a moment was there, as between the government of the United States and the government of Japan, the slightest departure from perfect good temper, mutual confidence, and kindly consideration; and that no sooner had the views and purposes of the governments of the United States, the state of California and the city of San Francisco been explained by each to the other than entire harmony and good understanding resulted, with a common desire to exercise the powers vested in each, for the common good of the whole country, of the state, and of the city.

States Are Unknown in International Affairs.

Legislative power is distributed; upon some subjects the national legislature has authority; upon other subjects the state legislature has authority. Judicial power is distributed in some cases the federal courts have jurisdiction; in other cases the state courts have jurisdiction. Executive power is distributed; in some fields the national executive is to act; in

other fields the state executive is to act. The treaty-making power is not distributed; it is all vested in the national government; no part of it is vested in or reserved to the states. In international affairs there are no states; there is but one nation, acting in direct relation to and representation of every citizen in every state. Every treaty made under the authority of the United States is made by the national government, as the direct and sole representative of every citizen of the United States residing in California equally with every citizen of the United States residing elsewhere. It is, of course, conceivable that, under pretense of exercising the treaty-making power, the President and senate might attempt to make provisions regarding matters which are not proper subjects of international agreement, and which would be only a colorable—not a real—exercise of the treaty-making power; but so far as the real exercise of the power goes, there can be no question of state rights, because the constitution itself, in the most explicit terms, has precluded the existence of any such question.

No Question of States' Rights Involved.

Since the rights, privileges, and immunities, both of person and property, to be accorded to foreigners in our country and to our citizens in foreign countries are a proper subject of treaty provision and within the limits of the treaty-making power, and since such rights, privileges and immunities may be given by treaty in contravention of the laws of any state, it follows of necessity that the treaty-making power alone has authority to determine what those rights, privileges, or immunities shall be. No state can set up its laws as against the grant of any particular right, privilege or immunity any more than against the grant of any other right, privilege, or immunity. No state can say a treaty may grant to alien residents equality of treatment as to property but not as

to education, or as to the exercise of religion and as to burial but not as to education, or as to education but not as to property or religion. That would be substituting the mere will of the state for the judgment of the President and senate in exercising a power committed to them and prohibited to the states by the constitution.

There was, therefore, no real question of power arising under this Japanese treaty and no question of state rights.

There were, however, questions of policy, questions of national interests and of state interests, arising under the administration of the treaty and regarding the application of its provisions to the conditions existing on the Pacific coast.

In the distribution of powers under our composite system of government the people of San Francisco had three sets of interests committed to three different sets of officers—their special interest as citizens of the principal city and commercial port of the Pacific coast represented by the city government of San Francisco; their interest in common with all the people of the state of California represented by the governor and legislature at Sacramento; and their interests in common with all the people of the United States represented by the national government at Washington.

There Was a Perfect Concert of Action.

Each one of these three different governmental agencies had authority to do certain things relating to the treatment of Japanese residents in San Francisco. These three interests could be really in conflict; for the best interest of the whole country is always the true interest of every state and city, and the protection of the interests of every locality in the country is always the true interest of the nation. There was, however, a supposed or apparent clashing of interests, and to do away with this conference, communication, comparison of views, explanation of policy

and purpose were necessary. Many thoughtless and some mischievous persons have spoken and written regarding these conferences and communications as if they were the parleying and compromise of enemies. On the contrary, they were an example of the way in which the public business ought always to be conducted; so that the different public officers respectively charged with the performance of duties affecting the same subject-matter may work together in furtherance of the same public policy and with a common purpose for the good of the whole country and every part of the country. Such a concert of action with such a purpose was established by the conferences and communications between the national authorities and the authorities of California and San Francisco which followed the passage of the board of education resolution.

Only Danger of War Lies in Feelings of People.

There was one great and serious question underlying the whole subject which made all questions of construction and of scope and of effect of the treaty itself—all questions as to whether the claims of Japan were well founded or not; all questions as to whether the resolution of the school board was valid or not—seem temporary and comparatively unimportant. It was not a question of war with Japan. All the foolish talk about war was purely sensational and imaginative. There was never even friction between the two governments. The question was, what state of feeling would be created between the great body of the people of the United States and the great body of the people of Japan as a result of the treatment given to the Japanese in this country?

What was to be the effect upon that proud, sensitive, highly civilized people across the Pacific, of the discourtesy, insult, imputations of inferiority and abuse aimed at them in the columns of American newspapers and from the platforms of American

public meetings? What would be the effect upon our own people of the responses that natural resentment for such treatment would elicit from the Japanese?

The first article of the first treaty Japan ever made with a western power provided:

"There shall be a perfect, permanent, and universal peace and a sincere and cordial amity between the United States of America on the one part, and the empire of Japan on the other part, and between their people respectively, without exception of persons or places."

Problem Was to Avoid Warlike Disposition.

Under the treaty which bore the signature of Matthew Calbraith Perry, we introduced Japan to the world of western civilization. We had always been proud of her wonderful development—proud of the genius of the race that in a single generation adapted an ancient feudal system of the far east to the most advanced standards of modern Europe and America. The friendship between the two nations had been peculiar and close. Was the declaration of that treaty to be set aside? At Kurlhama, in Japan, stands a monument to Commodore Perry, raised by the Japanese in grateful appreciation, upon the site where he landed and opened negotiations for the treaty. Was that monument, henceforth to represent dislike and resentment? Were the two peoples to face each other across the Pacific in future years with angry and resentful feelings? All this was inevitable if the process which seemed to have begun was to continue, and the government of the United States looked with the greatest solicitude upon the possibility that the process might continue.

The People, Not the Government, Make War.

It is hard for democracy to learn the responsibilities of its power; but the people now, not government, make friendship or dislike, sympathy or discord, peace or war, between nations. In this modern day, through the columns of the myriad press and messages flashing over countless wires, multitude calls to multitude across boundaries and oceans in courtesy or insult, in amity or in defiance. Foreign offices and ambassadors and ministers no longer keep or break the peace, but the conduct of each people toward every other. The people who permit themselves to treat the people of other countries with discourtesy and insult are surely sowing the wind to reap the whirlwind, for a world of sullen and vengeful hatred can never be a world of peace. Against such a feeling treaties are waste paper and diplomacy the empty routine of idle form. The great question which overshadowed all discussion of the treaty of 1894 was the question: Are the people of the United States about to break friendship with the people of Japan? That question, I believe, has been happily answered in the negative.

The clock ticks and ticks the time away,

Shortening up our lives each day. Eat, drink and be merry,

For some day you will be where—

You can't Rocky Mountain Tea. (Free samples at Dr. Stone's store.)

a peculiar quality, being nearly as hard as flint, but after a hole is drilled it is easily broken by the explosion of powder. It is impossible to predict just now when the big bore will reach that point where it is to cut the water course.

Big Searchlight Guarding Falls.
Oregon City, April 20.—A large searchlight has been installed at the

Stomach Experts

may disagree as to the exact cause of indigestion, but when food distresses the stomach, all disturbing elements are quickly quieted and removed by a dose or two of

Beecham's Pills

Sold Everywhere. In boxes 25c. and 50c.

falls to enable the fish wardens to keep a better watch on any fisherman who tries to fish too near the falls. There is a strict law against fishing within a certain distance of the falls, but it is alleged that certain local fishermen fish within that distance on dark nights, when the wardens are unable to see them. It is thought that by using the searchlight the offenders will be seen and arrested. The searchlight is the large one that was used on the government building at the Lewis and Clark fair. Many people will remember that the rays were often thrown clear over to this city.

American League Notes.
It seems that the report that Dundon and Towne, of the Sox, are to go to the Minneapolis club of the American association, is not founded on fact. Comiskey denies that he intends to let the two men leave the club.

As yet the road from the big league circuits back to the bushes has not been very crowded, but wait. The season has not fairly started yet, neither have the college throws and the dumb plays.

Western papers all agree that Jim Delehanty has a great future as third baseman for the Browns, and give as the main reason the fact that Cincinnati released him. Dolin, Seymour, Stainfield, Overall, Crawford, Bay, Beckley, Droot and others are taken as precedents.

Owner John J. Taylor, of the Boston club, announces that he has given up hope of coming to terms with Fred Parent, and the once great shortstop is now on the market.

Hobe Ferris, of the Boston, is not in his best form just now. Hobe was spiked in the foot a fortnight ago, and it may hamper him for weeks.

Griffith has discouraged Billy Hogg in the latter's efforts to master the spitball. Griffith told him that the

spitball is good for a pitcher who has lost his other tricks, and Hogg is far from that stage.

Lajoie says he is going to spend next winter looking up his relatives. He denies the report that he is going to play independent ball over there.

Fleider Jones says he won't make any predictions, but adds that there is no club in the league which looks good enough to beat the Sox, and he says he has a good pair of eyes.

The new rule that forbids base-runners to pass each other deserves hearty support. There is no chance of Jim McGuire to get ahead of Hal Chase when the two are circling the bases.

Griffith is certainly gambling with his pitching staff, and he ought to win on account of his nerve. He is boldly planning to throw the work on five men, three of whom are practically untried: Clarkson, Keefe and Brockett.

"Izy" Isbell, of the hitless Sox, is

lamming the ball in a way that singularly reminds one of the world's championship series. "Izy" is evidently trying to bat all season the .600 of the historic week.

Do they fit? If they're not EXACTLY right, let us make them so. When we fit you, we fit you ACCURATELY. Long experience, every necessary scientific apparatus and the required knowledge enabling us to correctly use the same, our own complete workshop, with every facility—even to the grinding of special lenses—are all at your disposal here, assuring a service not possible with other less fortunately equipped. Again—do your glasses FIT, or nearly fit?

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