

**This Land Is Our Land: Oyama v. California**

**I. Introduction**

**NARRATOR 1:** In 1934, Kajiro Oyama and his wife Kohide acquired six acres of land in Chula Vista, California. In 1937, they bought two adjacent acres. Both times they placed title in the name of their firstborn son Fred, who was nine years old when the second deed was recorded.<sup>1</sup> The farm was planted with lemon trees. Railroad tracks lay on one side of the property, with San Diego Bay just to the West.<sup>2</sup> Here are Kajiro and his daughter Alice, one of Fred's older sisters:

**[Kajiro and Alice front and center]**

**KAJIRO:** Someday, the boy will have a good piece of property because that land is going to be valuable.<sup>3</sup>

**ALICE:** It was beautiful land.<sup>4</sup>

**[Kajiro and Alice exit]**

**NARRATOR 2:** Fred's ownership of the land was short-lived. Although he was born in the United States -- in San Diego -- and was himself a U.S. citizen, his parents were not. They were immigrants from Japan and under federal law, they were ineligible for naturalization. As a consequence, the State of California brought an action to take the land away, on the ground that it was acquired in Fred's name to circumvent California's Alien Land Law.

**NARRATOR 1:** Kajiro and Kohide, the two Japanese immigrants, and Fred, their American-born son, fought back, taking their case all the way to the United States Supreme Court. In our presentation today, we will tell the story of the Oyamas and their fight to keep their land, drawing from court transcripts and other contemporaneous documents.

Ladies and Gentlemen, "This Land Is Our Land: Oyama v. California."

## **II. Historical Background**

**NARRATOR 2:** Asians began immigrating to the United States in significant numbers in the mid-19th century, when the Gold Rush drew Chinese to California. They quickly became a source of cheap labor, generating resentment on the part of organized labor in particular.

Politicians capitalized on anti-Asian sentiment, and the press fanned the flames by publishing anti-Asian stories and editorials. In 1882, the Chinese Exclusion Act was passed, and by 1920, the number of Chinese in California had dropped by more than half.

**NARRATOR 1:** As the number of Chinese decreased, the number of Japanese in the United States increased. When the Japanese government finally permitted its citizens to emigrate for the first time in 1880, many headed to America. The 1880 United States census counted only 148 people of Japanese descent; by 1910, the number had grown to more than 152,000.<sup>5</sup> Japanese immigrants became California's major source of agricultural labor.<sup>6</sup>

**NARRATOR 2:** The Japanese soon encountered the same resentment previously directed toward the Chinese. In October 1906, the San Francisco Board of Education passed a resolution ordering segregation of Japanese and Chinese pupils in public schools. This local act became an international incident when the Japanese government protested to President Theodore Roosevelt, who denounced the measure in his December 4, 1906 message to Congress:

**[Roosevelt front and center]**

**ROOSEVELT:** It is sure the mark of a low civilization to abuse or discriminate against, or in any way humiliate, a stranger who has come here lawfully and who is conducting himself properly. . . . Here and there a most unworthy feeling has manifested itself toward the Japanese -- the feeling that has been shown in shutting them out from the common schools in San Francisco, and in mutterings against them in one or two other places, because of their efficiency

as workers. To shut them out from the public schools is a wicked absurdity.

**[Roosevelt exits]**

**NARRATOR 1:** In January 1907, President Roosevelt met with the school board, which withdrew its segregation resolution in return for an agreement to end Japanese immigration. By the Gentlemen’s Agreement of 1907, the Japanese government agreed to limit passports to the United States to non-laborers or laborers who had already established residence.

**NARRATOR 2:** Despite this apparent victory, no less than 17 anti-Japanese bills were introduced during the 1909 California legislative session, including the first alien land bill. It failed to pass, but when the bill came up again in 1913, it passed overwhelmingly. This first California Alien Land Law prohibited “aliens ineligible for citizenship” from owning, acquiring, or transferring real property or leasing land for agricultural purposes for more than three years. It also authorized the state Attorney General to bring an action to escheat, or take for the state, any land acquired in violation of the law.

**NARRATOR 1:** Here are the California law’s co-author, Attorney General Ulysses S. Webb, and two state assemblymen::

**[Webb, Assemblyman 1 and Assemblyman 2 front and center]**

**WEBB:** The fundamental basis of all legislation upon this subject, State and Federal, has been, and is, race undesirability . . . . The simple and single question is: is the race desirable? . . . The Alien Land Law seeks to limit the presence of the Japanese by curtailing the 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.

**ASSEMBLYMAN 1:** I would rather every foot of California remain native wilderness than to be cursed by the feet of these yellow invaders, who are a curse to the country, a menace to our

institutions, and destructive of every principle of Americanism.<sup>7</sup>

**ASSEMBLYMAN 2:** The Japanese is a bandy-legged bagaboo, miserable craven Simian, degenerated rotten little devil.<sup>8</sup>

**[All exit]**

**NARRATOR 2:** Japan objected. In a June 13 interview with the New York Times, the Japanese Consul General in New York City, Kametaro Iijima, stated:

**[Iijima front and center]**

**IJIMA:** The Japanese community in California, as everywhere, is made up of law-abiding persons. The Japanese at home hear that union men in California accuse their countrymen of underbidding the labor market, but this accusation has been disproved. They have heard that almost everywhere in California where Japanese farmers have opened up barren, idle land, the price has advanced instead of going down. [T]he Japanese at home cannot understand why their countrymen are discriminated against in California.

**[Iijima exits]**

**NARRATOR 1:** Supporters of the Alien Land Law may have hoped that the law would create a climate hostile to future immigration and cause the Japanese in California to return to Japan, but in fact, demand for Japanese labor rose, and Japanese immigration actually increased. Moreover, Japanese farmers were able to evade the Alien Land Law in a variety of ways, including deeding the land to friends or relatives who were American citizens.

**NARRATOR 2:** Efforts to discourage Japanese immigration were renewed. In 1920, the so-called Joint Immigration Committee, which included groups dedicated to protecting California from the “Yellow Peril,” proposed strengthening the law by creating a presumption of intent to avoid escheat where property was conveyed to an eligible person but an ineligible alien paid the

consideration. It also made conspiracy to violate the Alien Land Law a criminal offense. The measure passed by a vote of three to one.

**NARRATOR 1:** The 1920 California Alien Land Law was challenged in court, and was ultimately upheld by the United States Supreme Court in 1923 in Porterfield v. Webb,<sup>9</sup> relying on its precedent in a case involving the Washington Alien Land Law, Terrace v. Thompson.<sup>10</sup> Subsequent amendments to the California statute made it even more difficult for the Japanese to own land.

**NARRATOR 2:** Despite the anti-Japanese agitation and the tightening of the Alien Land Law, the law was not heavily enforced. That changed with the attack on Pearl Harbor, the entry of the United States into World War II, and the evacuation in 1942 of all Japanese from the West Coast. In a 1944 poll, 65% of Los Angeles residents favored a constitutional amendment for the deportation of all Japanese from the country and forbidding further immigration.<sup>11</sup>

**NARRATOR 1:** The authorities urged more vigorous enforcement of the Alien Land Law. Here are Earl Warren, the Attorney General of California, in 1942, and his successor Robert Kenny, in 1943:

**[Warren and Kenny front and center]**

**WARREN:** Great caution must be taken to prevent California land from slipping into the hands of enemy aliens who will use the land as a starting wedge to undermine our entire system of government. All too harmless-looking Japanese farmers who carry on their activities in close proximity to some point of military importance serve as the eyes and ears of our enemy. They stand ready to pull our house down at a moment's notice.<sup>12</sup>

**KENNY:** Persons of Japanese ancestry are largely unassimilated and possess strong religious, ideological, and family ties with Japan. The Japanese, as a race, employ cunning and defiant schemes to evade the Alien Land Law.<sup>13</sup>

**[Warren and Kenny exit]**

**NARRATOR 2:** When the War Department opened up the West Coast to re-settlement by the internees in 1945, the California legislature appropriated \$200,000 for enforcement of the Alien Land Law and declared that escheat actions were no longer subject to any statute of limitations, adding the incentive that proceeds from successful escheat actions would be split with the local authorities of the counties in which the real property was located.

**NARRATOR 1:** Prior to 1942, only 14 escheat actions were brought in California; between 1942 and 1947, after most Japanese in California had been forced to evacuate, the California Attorney General brought 59 escheat actions, all against persons of Japanese ancestry.<sup>14</sup> One such action was brought against Fred Oyama and his parents.

### **III. The Oyamas**

**NARRATOR 2:** Kajiro Oyama was born in Japan in 1899. In 1914, he left Japan to join his father in California, where he began working on a farm leased by one of his uncles. He later returned to his hometown in Japan to marry Kohide, who joined him in California in 1923.

Together they had five children, all born in San Diego County,<sup>15</sup> and as a family, they worked the land. As Kajiro explained:

**[Kajiro, Alice and Fred front and center]**

**KAJIRO:** Each day my wife would pack the tomatoes. She would pack between 800 to 900 boxes a day . . . . My daughters sorted them, and my two sons brought the tomatoes that had

been picked by the workers to the packing shed. The family required everyone's help to survive.<sup>16</sup>

**NARRATOR 1:** Fred was the oldest son, born in 1928. The Chula Vista land was deeded to Fred in 1934 and 1937, with Kajiro paying a total of \$5,500 for the two parcels. After the first purchase, Kajiro petitioned the Superior Court for San Diego County to be appointed Fred's guardian, stating that Fred owned the land. The Court granted the petition.

**NARRATOR 2:** President Roosevelt issued Executive Order 9066 on February 19, 1942 requiring the internment of persons of Japanese ancestry. Kajiro did not want his family to be interned, so when an opportunity to lease farmland in Utah arose, he chose to move his family there. He loaded his farming tools in a railroad box car and brought four other families with his own during the brief period allowed for "voluntary evacuation." Fred's sister Alice later said,

**ALICE:** It was like the Grapes of Wrath migration, but in reverse.<sup>17</sup>

**NARRATOR 1:** It was in Utah that Fred was served with notice of the California proceeding to take his land. He was 17 years old and had to some extent accepted the evacuation order. The escheat papers stunned him. Years later, he wrote as follows:

**FRED:** I was aware that my rights were being violated but if that's what the President wanted us to do -- then we must evacuate. It was my intention to prove my loyalty and I looked forward to joining the service. That is -- until the property was escheated. My desire to join the service was to defend my country and, more specifically, to defend my home. When they took our home, I changed my attitude completely. I could never be hostile to the U.S.A. -- but I was bitterly disappointed and felt like a man without a country.<sup>18</sup>

**[Kajiro, Alice and Fred exit]**

**NARRATOR 2:** Fortunately for the Oyamas, the Japanese American Citizens League and its president, Saburo Kido, had been looking for a test case to challenge the Alien Land Law. The Oyamas were represented by JACL counsel A.L. Wirin, head of the Southern California branch of the American Civil Liberties Union; by Hugh Macbeth, an African American attorney who had worked with the JACL on the Korematsu case; and by Kido himself.

#### **IV. The Petition to Escheat and Demurrer**

**NARRATOR 1:** The State of California filed the petition to escheat on August 28, 1944 in Superior Court, San Diego County. The petition was signed by Robert Kenny, Attorney General of California:

**[Kenny front and center]**

**KENNY:** The purported deed taken in the name of Fred Yoshihiro Oyama is a mere subterfuge and cover for the purchase of the land by the defendants Kajiro Oyama and Kohide Oyama, who purchased the land with the intent to violate the Alien Land Law of the State of California. Defendants' actions are a fraud upon the People of California. The People are entitled to have the property declared escheated to the State.<sup>19</sup>

**[Kenny exits]**

**NARRATOR 2:** Wirin and Macbeth filed a demurrer on February 17, 1945 urging that the statute deprived defendants of due process and equal protection under the Fourteenth Amendment of the U.S. Constitution. They also argued that no defendant was an alien ineligible for naturalization, as service in the armed forces could qualify them for naturalization. Judge Charles Haines of the Superior Court called this latter argument ingenious, but overruled the demurrers on March 2, 1945:

**[Judge Haines takes bench]**

**HAINES:** It is true that [there is] a legislative tendency to reduce exclusions from citizenship on racial grounds. However, much as we may be in sympathy with that tendency, it is not for the courts to outstrip the legislative authority in an eagerness to accomplish that result. [The] constitutionality of the alien land legislation of this State has time and again been sustained, because of decisions of the Supreme Court of the United States itself. Having appealed to Caesar on the constitutional questions, to Caesar the defendants must needs go. . . . Each of the demurrers is overruled.

**[Judge Haines exits; Judge Shell takes bench. Wirin, Carnes and Mattoon enter and stand by counsel tables until judge is seated, then they sit]**

**V. The Trial**

**NARRATOR 1:** Trial commenced at 2 pm on August 21, 1945, before Judge Joe E. Shell of the Superior Court, San Diego County. The State was represented by Deputy District Attorney Duane Carnes and Deputy Attorney General Everett Mattoon. The Oyamas were represented by A.L. Wirin.

**A. Colloquy**

**NARRATOR 2:** Wirin raised an issue at the outset: he was not ready to proceed.

**WIRIN:** May I, perhaps, address the Court on a preliminary matter?

**SHELL:** Yes.

**WIRIN:** Certain of the witnesses -- in fact key witnesses -- and the defendants have not been in the State of California since the evacuation. At least one of them is on his way now, and being an alien it was necessary to secure a permit to travel and that was not available to him until yesterday. He has that permit and is on his way from Salt Lake City, so we are not ready to proceed.

**SHELL:** Well, I assumed, when the matter was transferred here, that we could at least get a start on it. There is one witness here.

**WIRIN:** While it may be that the plaintiff has some witnesses ready it would be a very great inconvenience to me, and I would very much prefer if evidence were not adduced until my clients were here. Moreover, there are some law questions addressed in a brief which we have filed and by an opinion which Judge Haines has filed. The Court may find it worthwhile to read the memorandum and Judge Haines' opinion as a kind of background.

**SHELL:** If these problems have been passed on by Judge Haines, I think these matters are settled. Am I incorrect about that?

**WIRIN:** I don't want to say that you are incorrect. I don't agree. This matter also, if I may say so, is one of considerable consequence, a question which these defendants hope to get a ruling on, not only from this court but from the higher court.

**SHELL:** Now, all of that is of no moment here at all. I think we should try the case as best we can without regard for the possible destiny of the case. I am not interested in that end of it.

**WIRIN:** I shan't mention it any more.

## **B. Opening Statements**

**SHELL:** All right. We may then go ahead with what we have. Gentlemen, I would appreciate a statement as to your cause. I haven't had the opportunity to read the pleadings.

**CARNES:** Very well. This is an action filed under the provisions of the Alien Land Law. The issue of fact in this case is whether the purchase by the alien father, who was himself ineligible to own or hold real estate in California, was done in good faith for the beneficial ownership of his son or whether, as the plaintiff contends, the use of the son's name was a mere subterfuge and the transaction was, in fact, for the benefit of the alien parents.

The answer admits that the parents are of the Japanese race, natives of the Empire of Japan and citizens and subjects of the Empire of Japan. Then it admits that the son, Fred Oyama, Fred Yoshihiro Oyama, is of the Japanese race and was born in San Diego, California, on or about March 23, 1928. We don't dispute the fact of his American birth or citizenship.

They do not deny that the purchase price was advanced by the alien father, as a gift to the son, and the agricultural character of this land is admitted.

**MATOON:** Might I supplement what Mr. Carnes has said, just briefly, your Honor?

**SHELL:** Yes.

**MATOON:** Never has there been a report filed, as required by the Alien Land Law, which requires an annual report to be filed in the office of the County Clerk.

The other point, is that Section 9 of the law provides that upon proof that the title to the land was acquired by one person and the consideration for the acquisition was paid by another ineligible to become a citizen, there is a *prima facie* presumption that the conveyance was made with the intent to evade and to violate the law. Here defendants admit that the father furnished the funds to purchase the property, but he did it as a gift to a child. Now, by the admission of this fact, the burden is upon the defendants to demonstrate that it was a *bona fide* transaction.

**SHELL:** All right. Mr. Wirin?

**WIRIN:** We agree that the central factual issue is the intent of the father. While an alien of Japanese descent may not own real property, he, nonetheless, if he acts in good faith, may make a gift to anyone, particularly his minor child or children, and if the transaction is in good faith then there has been no violation of the Alien Land Law. We claim that the obligation was made and that certain steps were taken which were approved by the Court and they constitute some evidence of the good faith of the father so far as his relationship with the son is concerned.

We concede that under the statute there is a presumption and we admit that the burden is upon us to overcome the presumption and we hope to be able to overcome that presumption.

**SHELL:** Very well.

**C. Testimony of John Kurfurst**

**NARRATOR 1:** The State called its first and only substantive witness, John C. Kurfurst, who managed the property for the Oyamas after the evacuation.

**[Kurfurst takes witness stand]**

**Direct examination By Mr. Carnes:**

**CARNES:** Are you acquainted with the Oyama family who own a farm at Chula Vista, near the present site of the Rohr Aircraft factory?

**WIRIN:** We object to the introduction of any evidence on the ground that the complaint does not state a cause of action. As an additional ground for the objection we refer to, without restating it now, our grounds set forth in the demurrer.

**SHELL:** Overruled, reserving to you the right to move to strike at the appropriate time.

**KURFURST:** Well, I am. I have known him for several years.

**BY MR. CARNES:**

**Q.** What members of that family are you acquainted with?

**A.** Well, with Mrs. Oyama's sister and her family, Mr. and Mrs. Kushino. They have lived across the street from me for ten years. The children went to school with my children.

**Q.** Do you know Kajiro Oyama?

**A.** No, I never heard that name.

**Q.** Do you know Fred Oyama?

A. Yes. That is the only way I know Mr. Oyama, by Fred. We always called him Fred. Maybe it was because everybody else called him Fred.

Q. Will you state the approximate age of Fred Oyama?

A. Well, I should say -- I think he is about my age, fifty-five. You can't tell anything about Japanese people, about their age.

Q. He could be a man who was born in 1899 and is now, therefore, forty-six years old?

A. Oh, I would take him to be older than that, maybe not. I couldn't answer that right.

Q. Do you know a minor son of Mr. and Mrs. Oyama?

A. Just a little fellow; he was a little fellow when we knew him, about seven or eight years old. Then they moved to Capistrano, so we did not know much about them.

Q. Will you state, if you know, who was occupying the property in the spring of 1942 when the people of Japanese ancestry were required to leave the State of California?

**WIRIN:** Now, we object to that as calling for a legal conclusion. The question of occupation is primarily a question of law. We have no objection to a description of what he saw.

**SHELL:** Sustained.

Q. Were you familiar with the property in the spring of 1942?

A. Yes, sir.

Q. Do you know who was living on the premises then?

A. The Kushino family.

Q. And who did that family consist of?

A. Well, I couldn't name the children; about five or six in the family. June was the oldest; she turned the property over to me the day of the evacuation, the day they had to leave, because the

fathers were going and the kids didn't have no one to turn the stuff over to; so I just agreed to help them out. That is all.

**Q.** Now, Mr. Kurfurst, you state that the father of the family was known to you as Fred Oyama?

**A.** That is the way I knew him.

**Q.** Did you ever hear him refer to himself by that name?

**A.** No, sir, I didn't.

**Q.** You did not?

**A.** He never told me his name, but that is the way we called him. He gave me a check at one time for labor but I cannot remember if he signed his name "Fred" or not. I couldn't tell you that.

**Q.** Do you know what use the Kushinos were making of the property at the time they left?

**A.** Nothing whatever. There was a lemon grove there they were digging out and I pulled it out. They turned it over to me for a year to pull it out. It cost me over \$300 to clean it, and I broke an ankle doing it, and I had to give it up. I was going to cultivate it myself.

**Q.** The lemon trees were pulled out after the evacuation?

**A.** After the evacuation, yes. They gave me one year's rent free for cleaning the ground up and putting it in shape.

**Q.** Were you on the place at all when the Oyama family lived there?

**A.** Never.

**CARNES:** I believe that is all.

**WIRIN:** May I, with the Court's indulgence, and perhaps as a special courtesy, forego cross-examination until the morning?

**SHELL:** The only difficulty is that it would require Mr. Kurfurst to return.

**WIRIN:** May we ask him? Could you come back tomorrow without a great deal of inconvenience?

**KURFURST:** I am working 14 hours a day and I have 56 acres to take care of and I broke away to come here. I have lost too much time trying to collect the rent and everything. I wouldn't do it for nobody, not even my own brother, anymore. I wouldn't.

**WIRIN:** Perhaps we could have a short recess. Maybe he has some papers that I could look at.

**SHELL:** Yes. We will take a short recess.

**[Wirin walks over to stand in front of witness briefly, then returns to table]**

**Cross-Examination by Mr. Wirin**

**NARRATOR 2:** When the proceedings resumed, Wirin cross-examined.

**Q.** Now, Mr. Kurfurst, have you ever talked to me before you met me here in the courtroom this afternoon?

**A.** No, sir.

**Q.** You were subpoenaed by the other side?

**A.** By the Court -- rather the Sheriff's office, I guess.

**Q.** Have you ever had any conversation, before the evacuation, with the old man Oyama, the middle aged man, about the property and whose property it was?

**A.** Not personally. I heard that in the garage, May's Garage on National and University. He said "Someday the boy will have a good piece of property because that is going to be valuable." That is all I know about it.

**Q.** As a result of your dealings with the old man, whose property did you understand the property was?

**CARNES:** That is objected to as calling for an opinion and conclusion of the witness.

**WIRIN:** It is cross-examination, your Honor. ·

**SHELL:** Sustained.

**By Mr. Wirin:**

**Q.** Did you ever have any conversation with the old man Oyama?

**A.** Never did; just dealings -- in business dealings.

**Q.** Wait. Did he ever say anything to you as to whose property this was?

**A.** No. Not to me. I just overheard it in the garage.

**Q.** Did you at any time hear the father say that he was managing the property for the boy?

**A.** No, I didn't.

**Q.** Did you at any time hear him say that he was guardian for the boy or that there was a guardianship proceeding?

**A.** No, I don't think I ever did.

**Q.** Did you tell me when we were having a little visit during the court recess that you understood that the father was acting as guardian for the boy?

**A.** Well, the Japanese aliens have to have guardians or somebody has to be guardians. We know that automatically.

**Q.** You knew that the father was running the boy's business?

**A.** Yes, sir.

**Q.** You made out checks to Fred Oyama, didn't you?

**A.** Yes.

**Q.** And your correspondence with the War Relocation Authority was pertaining to Fred Oyama?

**A.** Yes.

**WIRIN:** That closes my cross-examination, Your Honor.

**Redirect examination By Mr. Carnes:**

**Q.** Mr. Kurfurst, on your direct examination you stated that you knew the father as Fred Oyama?

**A.** Yes.

**Q.** But you did not know what the boy's name was?

**A.** Well he is Junior; that is all I know, Junior Oyama. That is, I didn't know the boy because he was only eight years old when I saw him last; a little fellow. They moved to Capistrano so we had no contact with them very much.

**CARNES:** That is all.

**[Kurfurst exits]**

**D. Additional Colloquy**

**NARRATOR 1:** The trial adjourned until the next morning. Mr. Oyama still was not present.

**CARNES:** If the Court please, from the statement made by Mr. Wirin I believe that the defendant Oyama is somewhere in the city, or somewhere in the building. I would like to call him.

**WIRIN:** May I state to the Court that Mr. Oyama is here. I have attempted to talk to him and I discovered that he speaks and understands very little English. He was here this morning and I advised him to go and try to find someone who can interpret.

The defendant Oyama has not been subpoenaed by the People, and so far as I am concerned, unless the Court advises to the contrary, he is under no obligation to be here.

**SHELL:** I cannot require him to be produced unless process has been served on him to require his attendance. I cannot even ask you where he is.

**WIRIN:** I have no objection to stating where he is, but in the absence of process I don't feel that I am under obligation to produce him. I hope this discussion will not hurt his case.

**SHELL:** No. The only thing that occurs to me is that you were urgently insistent upon a continuance of this case until today. Yesterday you did not want to start the trial because your client wasn't here.

**WIRIN:** Your Honor is correct about that. May I make this further explanation: After attempting to talk to him and discovering that he understood English so little, I dispensed with his being here.

**CARNES:** If the Court please, in view of Mr. Wirin's statement yesterday that he agrees that the obligation of proceeding with evidence arises on the admission by the alien that he furnished the consideration for the purchase of the property, the plaintiff will rest at this time.

**WIRIN:** We have a motion to make, first. Your Honor will recall that we made objection to the introduction of evidence and the Court overruled the objection, subject to a motion to strike the evidence. We make that motion now.

**SHELL:** Very well. Motion will be denied.

**WIRIN:** The defendants rest.

#### **E. The Trial Court's Decision**

**NARRATOR 2:** After closing arguments, Judge Shell ruled immediately. He rejected the contention that the use of the name "Fred Oyama" on the documents was meaningful and commented on Kajiro's failure to testify before determining that defendants had failed to overcome the presumption of unlawful intent to evade the Alien Land Law.

**SHELL:** [C]ounsel claims that Mr. Oyama is not at all familiar with the English language. It is to be noted that there is entirely no evidence to that effect. . . . Furthermore, Mr. Oyama has not offered himself as a witness in the case and his unexplained failure to offer himself as a witness requires the Court, as I understand it, to draw an inference that his testimony would be

unfavorable to his case.

The burden that the Legislation has placed upon the alien to overcome the presumption is a real presumption. In order for the defendant to successfully defend the case, he must develop enough evidence to overcome the presumption. In my opinion, he has not done that.

**NARRATOR 1:** Judge Shell issued formal findings of fact and conclusions of law on September 4, 1945. He found that it was "not true" that the Oyamas had purchased the parcels as a gift for their son Fred and that the taking of the property in Fred's name was:

**SHELL:** A mere subterfuge and cover for the transaction of the defendants, and was a fraud upon the People of the State of California; all of such acts herein were done wilfully, knowingly and with the intent to violate the Alien Land Law of the State of California.

**NARRATOR 2:** Judgment was thereafter entered declaring title to the properties vested in the State of California as the owner in fee simple absolute.

[All exit]

## **VI. Appeal to the California Supreme Court**

**NARRATOR 1:** Saburo Kido and A.L. Wirin appealed directly to the California Supreme Court. They urged the Court to apply a "clear and present danger" standard to measure constitutionality of the Alien Land Law rather than the "rational basis" test found adequate by the courts previously. On Halloween 1946, the California Supreme Court, in an opinion written by Justice Edmonds, affirmed the trial court.

[Edmonds takes the bench]

**JUSTICE EDMONDS:** [The] decisions of the United States Supreme Court . . . limit the test of a 'clear and present danger' to fundamental liberties and do not restrict the authority of the state, under its police power, to limit the rights of aliens in regard to real property situated within its

borders. It is sufficient if a rational basis is found for the [racial] classification. And considering the Alien Land Law in connection with the record before the court, there is no evidence that the statute was unconstitutionally applied or administered. The evidence convincingly points to the conclusion that the minor son had no interest in the property, his name being only used as a subterfuge for the purpose of evading the Alien Land Law.

**[Edmonds exits]**

**NARRATOR 2:** California legislators had attempted to make the Alien Land Law part of the California Constitution, introducing Proposition 15 for a vote by California citizens that took place only a few days after the California Supreme Court ruled. The JACL's Mike Masaoka, who had served in World War II in the Fighting 442<sup>nd</sup>, led the campaign against Proposition 15, portraying it as an effort to make "race discrimination constitutional." In a letter to the Los Angeles Times, Akira Iwamura joined in the effort against Proposition 15:

**[Iwamura front and center]**

**IWAMURA:** I'm puzzled. My brother and I came out of the Army to find an alien land law suit to escheat my farm and evict the family from my home.

Your newspaper and the magazines and newsreels told about the 442nd Infantry Regiment made up of Japanese Americans. They praised its combat record and said the terrific casualties suffered bought the right to fair play for us and our families.

My brother Cecil is 24 but his black hair is now streaked with gray. He sweated it out and got wounded in the 442nd as they fought in Italy. . . .

While my brother was in the European hot spots I was in the South Pacific with the Nisei intelligence. We both thought we were fighting to keep our family and home safe. . . .

I came home and read the alien land law court summons to take away our farm. I read

the arguments for Proposition 15. They sound like criminal indictments. Why are we hounded like outlaws?

Many in our outfits died to prove Americanism is in the heart. Looks and nationality don't count. My folks have lived here for 40 years under the present law which bars them from citizenship. We were born in Fresno County, but because my folks happen to come from Japan my farm and home are being taken away from me.

Why does California with its alien land law keep kicking us in the teeth?<sup>20</sup>

**[Iwamura exits]**

**NARRATOR 1:** California's voters rejected the proposition on November 5, 1946. Wirin promptly filed a petition for rehearing with the California Supreme Court, noting the lack of public support for the Alien Land Law. The petition was rejected.

## **VII. Appeal to the United States Supreme Court**

**NARRATOR 2:** Wirin and Kido turned next to the United States Supreme Court, filing a petition for certiorari on February 25, 1947. On April 7, 1947, the Court agreed to hear the case.

**NARRATOR 1:** As the legal team honed their arguments, they shifted their tactics and their focus. Rather than advancing claims of discrimination against both ineligible aliens and their children, they focused in particular on the deprivation of rights suffered by the citizen children, leading with this point in their brief. Wirin had not given up on a sweeping renunciation of the Alien Land Law in its entirety, but a reversal of Oyama on any ground was critical.

**NARRATOR 2:** Wirin sought out amici to support the appeal, and obtained the support of the national ACLU, the National Lawyers Guild, and the American Jewish Congress. He was not able to persuade the NAACP or the Department of Justice to write a brief but his efforts to garner interest in the foreign policy implications of the appeal may well have been what convinced an

important ally to join the team. Wirin, Kido, and Mike Masaoka met with Dean Acheson, a distinguished Washington lawyer and former undersecretary of state who had clerked for Justice Brandeis. Acheson agreed to act as Chief Counsel pro bono.<sup>21</sup>

**A. Oral Argument**

**NARRATOR 1:** On October 22, 1947, the Supreme Court of the United States heard oral argument in Oyama starting at noon with an audience of more than 200 people. Wirin and Dean Acheson presented for Oyama.<sup>22</sup> Everett Mattoon argued for the State. No transcript of the argument exists, but based on the briefs to the Court and the decision, we have created one possible version of what happened before the Court. According to reports, Wirin led off with the argument that the statute should be struck down in its entirety as unconstitutional, but after a half hour, he turned the argument over to Acheson, in accordance with the team's legal strategy.

**[Marshal front and center. As Marshal speaks, the Justices enter: Chief Justice Vinson, Justice Black, Justice Murphy, Justice Reed, Justice Jackson. Counsel enter and stand until judges sit.]**

**MARSHAL OF THE COURT:** The Honorable, the Chief Justice, and the Associate Justices of the Supreme Court of the United States. Oyez, oyez, oyez. All persons having business before the Honorable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this Honorable Court.

**[Gavel bangs. Marshal exits. Judges sit]**

**VINSON, C.J.:** We will hear argument this afternoon in Oyama v. California. Mr. Wirin.

**WIRIN:** May it please the Court, we contend that the Alien Land Law is race legislation aimed directly at the Japanese and, as such, it violates the Fourteenth Amendment. It is not only racist in origin, but racist in its enforcement.

**BLACK:** The Alien Land Law does not by its terms target the Japanese, does it?

**WIRIN:** Respectfully, your Honor, successive modification of the naturalization laws have made the “ineligible alien” class practically synonymous with “Japanese.”

**VINSON:** Are you not asking us to overrule the prior decisions of this Court upholding the constitutionality of these laws?

**WIRIN:** Whatever may have been the situation in 1923, the plain fact of the matter is that the justification relied upon in those cases is now wholly unconvincing. These cases attempted to justify the California statute and a different Washington statute on the ground that aliens ineligible for citizenship constitute a class from whom the privilege of land ownership may be withheld. Subsequent events have shown that the fears that generated these statutes had no reasonable basis. The anti-Japanese record of enforcement and the actual record of population and land holding in California and the other facts as to the origins and history of the law were not brought to the attention of the Court when these issues were considered previously. A different constitutional answer is demanded in the light of the change in facts.

**JACKSON:** How do you respond to the State's suggestion that the discrimination, assuming there is discrimination, is justified? Is there not a fair concern that every acre of state land might pass to the ownership of aliens?

**WIRIN:** That suggestion is simply unreasonable, Your Honor. Neither the characteristics nor the numbers of ineligible aliens bear out the State's purported concern. Eligibility for citizenship does not determine character or loyalty. There is no relationship between these purposes and ownership of agricultural land. The fear that all the land in the State might be owned by ineligible aliens is not consistent with good sense or the actual record of population trends and land holding in California.

**VINSON:** Thank you, Mr. Wirin. Mr. Acheson?

**[Cast members off-stage “buzz”; judges sit up straighter.]**

**NARRATOR 2:** According to reports, the justices sat up straighter and a buzz ran through the audience as Dean Acheson moved to the lectern.<sup>23</sup>

**ACHESON:** May it please the Court, on behalf of an American citizen, Fred Oyama, and on behalf of his father, a Japanese alien, I urge this Court to reverse the judgment of the Supreme Court of California. The Court need look no further than the first point of our brief to reach this result, for it is clear that the decision of the court below deprives petitioner Fred Oyama of the equal protection of the laws and the privileges and immunities of a citizen.

**MURPHY:** You are asking us to focus on the rights of the son as opposed to the rights of his parents?

**ACHESON:** Yes, Your Honor. In California minor children other than those of Japanese ancestry may receive gifts of real estate from their parents with no presumption that the transaction is illegal. The Alien Land Law requires Fred Oyama, solely because he is the son of a Japanese alien, to defend his gift against the State’s claim that he never received genuine title.

**BLACK:** What is the significance of focusing on the rights of the son as opposed to the rights of the parents?

**ACHESON:** The law provides that “[a]ll citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.” Fred Oyama is a citizen of this country, by birth. It is abundantly clear that if Fred Oyama’s parents had been German aliens, or British aliens, instead of Japanese aliens, Fred would still have his land. We believe it plain that the

California statute, as thus construed, discriminates against Fred Oyama solely because of his racial origin.

**REED:** Mr. Acheson, didn't the trial court find, as a matter of fact, that what is involved here is a fraudulent attempt to avoid a state statute, that the deeding of the parcels to the son -- a mere child -- was a sham?

**ACHESON:** The trial court made that finding based on an unconstitutional presumption imposed by law, a presumption that the conveyance was made with intent to avoid escheat if consideration was paid by an alien. Under this presumption Fred Oyama could *never* receive a gift of land from his father. Upon what evidence, we may ask, can Fred Oyama ever prove that his father did not intend to "prevent" escheat?

**REED:** I don't think the State of California is saying that an American-born child of an ineligible alien parent cannot acquire and hold real property.

**ACHESON:** Yes, Justice Reed, but if I may, that only underscores my point. Had Fred Oyama been Fred Johnson, he would have grown to manhood in full ownership of his land; no procedure of the State of California could have deprived him of it without adequate compensation. Not only must Fred Oyama make proof which Fred Johnson need not make, but the proof required is well-nigh impossible of attainment.

**JACKSON:** Mr. Acheson, unless we find the Alien Land Law to be unconstitutional, I don't see how we can condone the Oyamas' evasion of it, do you?

**ACHESON:** Justice Jackson, the discriminatory enforcement of the statute is adequate grounds to reverse the California Supreme Court and return the Oyamas' land to them. When the law is enforced, it is enforced against the Japanese. When it is not enforced, it is due to the desire not to offend Japan. How can it rationally be said that the law is not a racial law, directed at the

Japanese race?

**VINSON:** Thank you, Mr. Acheson. We'll hear from the State. Mr. Mattoon?

**MATTOON:** Thank you, Your Honor. May it please the Court. Justice Vinson's first question to Mr. Wirin is, we believe, the one that is the most important to address, because what appellants ask this Honorable Court to do is to disaffirm and overrule decisions which have for over two decades stood as a well-defined and positive pronouncement of the constitutionality of the California Alien Land Law.

**MURPHY:** On what authority does the State of California bar an entire class of individuals from enjoying the privilege of owning land? Does the law not violate the Fourteenth Amendment?

**MATTOON:** The Fourteenth Amendment does not take away from the state those police powers that were reserved to it when the Constitution was adopted. In the exercise of those police powers, the state has wide discretion to determine its own public policy and the measures that are necessary for its own protection and properly to promote the safety, peace, and good order of its people. The legislature has the power to deny to aliens the right to own land within its borders and such legislation cannot be said to be capricious or arbitrary.

**REED:** Does the Alien Land Law not distinguish between classes of aliens, those eligible to be naturalized and those not eligible? And, if so, is that not of concern?

**MATTOON:** Your Honor, there is a distinction, and it is a distinction imposed by federal law. It is federal law that prescribes who may and who may not become U.S. citizens. The rule established by Congress, in and of itself, furnishes a reasonable basis for classification in a state law withholding from aliens the privilege of land ownership.

**BLACK:** Do you deny that this is a race legislation?

**MATTOON:** Absolutely, Justice Black. The classification of the California Alien Land Law is that of eligibility to citizenship. There is nowhere in the statute a single reference to race, color, creed or place of birth or allegiance. Its provisions are simple and direct -- all aliens having the right to become citizens may own and control land in California; other aliens may not.

**REED:** But what is the point of the distinction?

**MATTOON:** The distinction is based not on race, but on distinctions made by Congress, based on findings and determinations that are not to be challenged with charges of “racist” motives.

**MURPHY:** Has the California law not been applied in a discriminating manner, singling out the Japanese?

**MATTOON:** But “racism” was not a factor motivating enactment of this law. Race prejudice and race hatred are ugly things. We think there is no place in our form of government for prejudices or hatreds of the kind which petitioners would impute to the electors of California. What we are considering here is a classification based upon eligibility to become a citizen of this nation -- we can conceive of no standard more inherently related to loyal allegiance and desire to work for the success and welfare of the State.

**VINSON:** Thank you, Mr. Mattoon. The Court reserves decision.

**[Counsel exit. Judges remain.]**

**B. Decision**

**NARRATOR 1:** The Court rendered its decision on January 19, 1948, issuing five separate opinions: the majority, two concurring opinions, and two dissents. Without striking down the Alien Land Law, and without overturning prior Supreme Court precedent, the majority held that as applied, the California statute violated the equal protection rights of an American citizen, Fred

Oyama. The Court reversed on that ground only, leaving to another day the rights of aliens and the constitutionality of the Alien Land Law. Chief Justice Vinson wrote for the majority:

**VINSON:** We agree with petitioner's first contention, that the Alien Land Law, as applied in this case, deprives Fred Oyama of the equal protection of California's laws and of his privileges as an American citizen. In our view, the State has discriminated against Fred Oyama; the discrimination is based solely on his parents' country of origin; and there is absent the compelling justification which would be needed to sustain discrimination of that nature. . . . In short, Fred Oyama lost his gift, irretrievably and without compensation, solely because of the extraordinary obstacles which the State set before him. The only basis for this discrimination against an American citizen was the fact that his father was Japanese and not American, Russian, Chinese, or English.

This case presents a conflict between the State's right to formulate a policy of landholding within its bounds and the right of American citizens to own land anywhere in the United States. When these two rights clash, the rights of a citizen may not be subordinated merely because of his father's country of origin.

Reversed.

**NARRATOR 2:** Justice Hugo Black wrote a concurring opinion in which Justice William Douglas joined. While he agreed with the result reached by the majority, he would have reversed on broader grounds:

**BLACK:** If there is any one purpose of the Fourteenth Amendment that is wholly outside the realm of doubt, it is that the Amendment was designed to bar States from denying to some groups, on account of their race or color, any rights, privileges, and opportunities accorded to other groups. I would now overrule the previous decisions of this Court that sustained state land

laws which discriminate against people of Japanese origin residing in this country.

**NARRATOR 1:** Justice Murphy, in an opinion joined by Justice Rutledge, also concurred. His opinion was longer and more passionate than the others, and delved into the history of the statute to demonstrate the racism at its core that he believed deserved constitutional condemnation. After describing the “great anti-Oriental virus” infecting California from 1850 through the “hysteria generated by World War II,” Justice Murphy concluded as follows:

**MURPHY:** I believe that the prior decisions of this Court giving sanction to this attempt to legalize racism should be overruled.

In origin, purpose, administration and effect, the Alien Land Law does violence to the high ideals of the Constitution of the United States and the Charter of the United Nations. It is an unhappy facsimile, a disheartening reminder, of the racial policy pursued by those forces of evil whose destruction recently necessitated a devastating war. It is racism in one of its most malignant forms. Fortunately, the majority of inhabitants of the United States, and the majority of those in California, reject racism and all of its implications. They recognize that under our Constitution all persons are entitled to the equal protection of the laws without regard to their racial ancestry. Human liberty is in too great a peril today to warrant ignoring that principle in this case. For that reason, I believe the penalty of unconstitutionality should be imposed upon the Alien Land Law.

**NARRATOR 2:** The two dissenting opinions took the position that reversal was not appropriate unless the Court was prepared to invalidate the Alien Land Law. As Justice Jackson wrote:

**JACKSON:** While I think that California has pursued a policy of unnecessary severity by which the Oyamas lose both land and investment, I do not see how this Court, while conceding the State’s right to keep the policy on its books, can strip the State of the right to make its Act

effective. What we seem to be holding is that while the State has power to exclude the alien from land ownership, the alien has the constitutional right to nullify the policy by a device we would be prompt to condemn if it were used to evade a federal statute.

**[Gavel bangs. Justices exit]**

**NARRATOR 1:** While the Supreme Court did not strike down the Alien Land Law, the decision meant that the Oyamas could keep their land. The decision proved to be a victory for many other Japanese Americans as well. A few days after the decision, California Attorney General Howser announced that all pending escheat cases would be dismissed. In a letter addressed to A.L. Wirin, he stated as follows:

**[Howser front and center]**

**HOWSER:** The attitude expressed by the U.S. Supreme Court in my opinion is such that if we were to succeed in arriving again before the court, as it now is constituted, they would no doubt invalidate our alien land law as unconstitutional.

I have not had the opportunity to comb, case by case, those matters pending in court or under investigation, but I see no alternative other than to dismiss the cases on file, as the presumption has been obliterated. The burden to be carried by the State is equivalent to impossible.<sup>24</sup>

**[Howser exits]**

**NARRATOR 2:** Despite the narrowness of the majority holding, the Oyama decision was important not only for its impact on the lives of Japanese Americans, but for its impact on the civil rights jurisprudence of the Supreme Court. Oyama meant that only the most exceptional circumstances could constitutionally justify any laws that made “racial classifications” among citizens. By the time Oyama was decided, A.L. Wirin had already asked NAACP chief counsel

Thurgood Marshall to prepare an amicus brief in Takahashi v. California Fish and Game Commission, a case challenging California’s denial of fishing licenses to “all aliens ineligible for citizenship.” In March 1948, certiorari was granted.

**NARRATOR 1:** With the support this time of both the NAACP and the Justice Department as amici, Dean Acheson again argued before the Supreme Court as Chief Counsel, and on June 7, 1948, the Court struck down the law. The doctrines and alliances developed in Oyama and Takahashi would serve as precedent for ground-breaking cases involving African Americans, including Shelley v. Kraemer and Brown v. Board of Education. As A.L. Wirin later said,

**[Wirin front and center]**

**WIRIN:** The Oyama and Takahashi cases were the most important I ever handled, because they were able to establish principles which were the forerunners of the U.S. Supreme Court cases involving Negroes and affording them the rights to equal treatment and equal protection under the law.<sup>25</sup>

**[Wirin exits]**

### **VIII. The Aftermath**

**NARRATOR 2:** The Oyama family remained in Utah until 1946. Fred later recalled that the Mormon community there was very kind to his family, and recalled as well the friendly seed salesman who had helped his family avoid the internment camps by telling his father about the farm they could move to near Cedar City, Utah.<sup>26</sup> Fred graduated from high school in Payson, Utah, and then worked in a defense plant in Chicago toward the end of the war. He left the family’s farming business in 1949 to pursue a college degree at San Diego State, while his younger brother served in the U.S. Army as part of the occupation force in Japan.

**NARRATOR 1:** Although Kajiro Oyama had come to this country in 1914 hoping to attend

California Institute of Technology, his later ambition was simply to be a “successful farmer.”<sup>27</sup> He did not waver from that goal, despite Executive Order 9066 and the Alien Land Law. Kajiro eventually owned and farmed 300 acres in San Diego County and as soon as he was permitted, became a U.S. citizen. He voted regularly. When he died in 1998, he was 99 years old.<sup>28</sup>

**NARRATOR 2:** A.L. Wirin resigned as JACL Chief Counsel after the success of the Oyama and Takahashi cases, but continued his work for the ACLU. He retired from the practice of law in 1972 after a heart attack and died six years later. Dean Acheson, who argued the Oyamas’ case pro bono, went on to become the Secretary of State under President Truman. He was sworn in as Secretary on January 21, 1949 by Chief Justice Vinson.

## **IX. Conclusion**

**NARRATOR 1:** The Oyamas never returned to the Chula Vista farm, in part because of the bitter memories. Fred recalled that the family traded it for a couple of duplexes.<sup>29</sup> In the end, the State of California ended up with some of the land after all, as an interstate highway was built over part of the old farm.

**NARRATOR 2:** Fred Oyama, when asked by Professor Rose Cuison Villazor in 2008 how his parents reacted to Executive Order 9066, replied as follows:

**[Fred front and center]**

**FRED:** Japanese have a term called “Shi-gah-ta Ga-nai.” It means something like, “what happens, happens.” We then have to suck it up and deal with it. My folks were not happy, I’m sure. But they accepted the [Order] grudgingly. At no time did they ever have hostile feelings.

**NARRATOR 1:** Rather than harbor hostile feelings, the Oyamas utilized the legal system of their adopted country to preserve their rights to the land they had worked so hard to acquire.

Fred as well harbored no hostility. After obtaining his degree at San Diego State, Fred went on

to become a middle school math teacher. He required his students to recite the pledge of allegiance every day “in correct fashion” and with “earnestness.” Failure to do so meant repetition of the pledge.<sup>30</sup> Today he is retired, in Escondido. He concluded his written responses to Professor Villazor’s questions in 2008 with a postscript:

**FRED:** I’m sorry that I cannot recall more. Actually I was a typical teenager at the time. I was as American as apple pie and hot dogs. My prized possessions as we evacuated were my football banners of Notre Dame, Ohio State and Tennessee. I was aware of the legal proceeding. However, I had no inkling of its magnitude.

**[Fred exits]**

**NARRATOR 2:** Oyama v. California was indeed a case of great magnitude. At a time when the political climate was such that many Californians favored deporting all Japanese and forbidding future immigration, a San Diego family of Japanese Americans was willing to fight for their rights. The case led not only to the dismantling of the Alien Land Law, but laid the groundwork for the advancement of civil rights for all Americans.

**NARRATOR 1:** It is also a case that is still important today, as issues of race, immigration, and property rights are again colliding not only as matters of national debate but in local challenges to municipal ordinances that make it more difficult for immigrants to lease residential property.<sup>31</sup> We close by returning to the words Justice Murphy wrote in his concurring opinion, words that resonate as strongly today as they did in 1948:

**[Murphy takes bench]**

**MURPHY:** The Alien Land Law was designed to effectuate a purely racial discrimination, to prohibit a Japanese alien from owning or using agricultural land solely because he is a Japanese alien. It is rooted deeply in racial, economic and social antagonisms. The question confronting

us is whether such a statute, viewed against the background of racism, can mount the hurdle of the equal protection clause of the Fourteenth Amendment. Can a state disregard in this manner the historic ideal that those within the borders of this nation are not to be denied rights and privileges because they are of a particular race?

I say that it cannot. The equal protection clause is too clear to admit of any other conclusion.

---

<sup>1</sup> Oyama, 332 U.S. 633, 636 (1947).

<sup>2</sup> Soto, Equal-Rights Gains Have Local Roots, San Diego Union-Tribune, 9/21/2008.

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>55</sup> Bill Ong Hing, Making and Remaking Asian America Through Immigration Policy, 1850-1990 (1993), at 53-54 & Table 4.

<sup>6</sup> Mark Brilliant, The Color of America Has Changed, 34.

<sup>7</sup> Oyama, 332 U.S. at 653 n.4 (quoting San Francisco Chronicle, Feb. 3, 1909).

<sup>8</sup> Id.

<sup>9</sup> 263 U.S. 225 (1923).

<sup>10</sup> 263 U.S. 197 (1923).

<sup>11</sup> Brilliant at 31.

<sup>12</sup> Brilliant at 36.

<sup>13</sup> Brilliant at 37.

<sup>14</sup> Section based on (1) 8/22/2016 memo from Yang Chen and Robert Leung on basis of “Tells Japan’s Side of California Case,” The New York Times, June 30, 1913; Edward E. Ferguson, The California Alien Land Law and the Fourteenth Amendment, 35 Cal. L. Rev. 61 (1947); Keith Aoki, No Right to Own?: The Early Twentieth Century “Alien Land Laws” as a Prelude to Internment, 19 B.C. Third World L.J. 37 (1998); Rose Cuison Villazor, Rediscovering Oyama v. California: At the Intersection of Property, Race and Citizenship, 87 Wash. U. L. Rev. 979 (2010); and (2) 7/30/2016 memo from Theo Cheng based on Jennifer M. Contino, The Japanese Americans (2003), at 11-36 and Ronald Takaki, Strangers From a Different Shore: A History of Asian Americans (1989), at 179-203.

<sup>15</sup> Soto.

<sup>16</sup> Susan Hasegawa for the Japanese American Historical Society of San Diego, Japanese Americans in San Diego, Arcadia Publishing, 2008.

<sup>17</sup> Brilliant at 32, 33.

<sup>18</sup> Follow-up Questions from Telephonic Conversation on July 12, 2008 between Professor Rose Cuison Villazor and Fred Oyama.

<sup>19</sup> Adapted from Petition To Declare an Escheat to the State of California, filed Aug. 28, 1944, Transcript of Record, Oyama v. California, at 1, 4.

<sup>20</sup> Ex-Sgt. Akira Iwamura Is Puzzled, Letter to Editor, L.A. Times, Oct. 14, 1946; Brilliant at 42.

<sup>21</sup> Brilliant.

<sup>22</sup> Id.

<sup>23</sup> Id.

<sup>24</sup> **All Alien Land Law Cases to Be Dismissed** *Los Angeles Times* (1923-Current File); Jan 28, 1948; ProQuest Historical Newspapers: Los Angeles Times pg. 11.

<sup>25</sup> [www.aclusandiego.org/oyama-v-california-us-supreme-court-rules-californias/](http://www.aclusandiego.org/oyama-v-california-us-supreme-court-rules-californias/)

- 
- <sup>26</sup> Follow-up Questions from Telephonic Conversation on July 12, 2008 between Professor Rose Cuison Villazor and Fred Oyama.
- <sup>27</sup> Brilliant, The Color of America Has Changed, 31-32.
- <sup>28</sup> Soto, *supra*.
- <sup>29</sup> Follow-up Questions from Telephonic Conversation on July 12, 2008 between Professor Rose Cuison Villazor and Fred Oyama.
- <sup>30</sup> Brilliant, 53.
- <sup>31</sup> Villazor at 981.