

Article

Japan and Anti-Japanese Cases in the United States, 1896–1901: Suspension of Emigration and Plague Quarantine

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Introduction

Japan abolished consular jurisdiction by signing the Treaty of Commerce and Navigation with the United Kingdom in 1894. Furthermore, Japan acquired immense reparations and colonies—Taiwan and the Penghu Islands—following its victory in the Sino-Japanese War in 1895. These achievements reinforced Japan’s self-perception as a “civilized” country on equal terms with the Western powers, while bolstering its sense of superiority over the “semi-civilized” China, which had lost the war and was still bound by unequal treaties with the Western nations.

Meanwhile, the anti-Japanese movement in the United States was intensified by an increase in immigration after the Sino-Japanese War. In the U.S., Chinese immigrants had already been excluded since the 1880s because of racism and competition with white workers in the labor market. The Japanese government was concerned that the national prestige would be damaged if Japanese workers were treated as equal to Chinese laborers. Therefore, careful attention was paid to controlling emigration under the Emigrant Protection Law of 1896.

However, in 1900, a surge in immigration further exacerbated the anti-Japanese movement, driving the Japanese government to totally suspend emigration to the U.S.; in the same year, discriminatory quarantines against Chinese and Japanese nationals were implemented in San Francisco and Colorado as a means to prevent the spread of the plague. Including another discriminatory quarantine conducted in Honolulu the

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In this paper, Japanese personal names are presented in the order of surname first, given name next, except for the author’s name at the beginning.

following year (the America Maru Incident), the Japanese government continued to protest against the federal government for a year and a half.

Generally speaking, it was not until the San Francisco School Segregation Crisis of 1906 that the anti-Japanese movement became a serious diplomatic issue in Japan. Perhaps that is why, to the best of the author's knowledge, no studies have shed much light on the circumstances leading to the suspension of emigration and the Japanese government's response to those discriminatory quarantines.² However, Japanese exclusion was an important problem in Japan's diplomacy even before 1906. From the 1880s, the Japanese government made every effort to protect and control emigration to the U.S., concerned that the equal treatment of the Japanese and Chinese would have a detrimental impact on treaty revision negotiations with the Western powers.³ Subsequently, the accomplishment of treaty revision and the victory in the Sino-Japanese War gave Japan prestige worth defending. The anti-Japanese question from 1896 to 1901 also merits a detailed examination as a significant issue in the history of Japanese diplomacy.

² The process leading to the emigration suspension is overviewed in Kodama Masaaki, *Nihon imin shi kenkyū josetsu* [Introduction to the study of Japanese emigration history] (Hiroshima: Keisuishsha, 1992), 520–524, and others. However, no studies thoroughly delineate it in the context of diplomatic history.

An outline of the Japan-U.S. negotiations regarding the series of discriminatory quarantines is provided by the following two studies: Payson J. Treat, *Diplomatic Relations between the United States and Japan 1895–1905* (California: Stanford University Press, 1938), 121–27, 146–48; John R. Stemen, “The Diplomacy of the Immigration Issue: A Study in Japanese-American Relations, 1894–1941” (PhD diss., Indiana University, 1960), 20–40. However, since both the studies are based exclusively on the documents of the Department of State, Japan's viewpoints and actions remain insufficiently elucidated.

The America Maru Incident is also studied by Yamamoto Hidemasa, *Hawai no Nihonjin imin: Jinshu sabetsu jiken ga kataru, mōhitotsu no imin zō* [Japanese immigrants in Hawaii: Another image of immigrants told by racial discrimination cases] (Tokyo: Akashi Shoten, 2005), chap. 6. However, this study does not adequately examine how the Japanese government dealt with the incident, as it mainly focuses on the protest activities of the Japanese residents in Hawaii.

³ Suzuki Sho, *Meiji Nihon to kaigai tokō* [Meiji Japan's efforts toward the protection and control of overseas travelers] (Tokyo: Nihon Hyōronsha, 2022), chaps. 4–7.

1. Enactment of the Emigrant Protection Law

In the United States of the late 1870s, an anti-Chinese movement emerged, particularly in California, leading to the passage of the Chinese Exclusion Act of 1882. The Chinese exclusion was driven by a complex set of factors, including conflicts with white workers in the labor market, incitement by politicians seeking to gain labor support, prejudice against cultures and customs different from those of white society, and racial discrimination.

While permitting emigration to Hawaii in 1884, the Japanese government began to be concerned about the potential for an anti-Japanese movement in the U.S. because the rapid growth of emigration to Hawaii could encourage Japanese workers to go to the U.S. as an alternative to Chinese labor. The same treatment of the Japanese as the “semi-civilized” Chinese was a serious affront to Japan’s prestige, which aspired to be on an equal footing with the “civilized” Western countries. It could also have an adverse effect on treaty revision negotiations, the most pressing diplomatic issue at the time.

It was not until after 1891 that the number of Japanese emigrants to the U.S. in search of higher wages increased significantly. Meanwhile, the U.S., which had been restricting the entry of foreigners in general in addition to the Chinese, amended its immigration legislation in the same year. The 1891 Immigration Act intensified the crackdown on paupers and contract laborers (i.e., those who had signed labor contracts before traveling to the U.S.), resulting in a succession of Japanese laborers being denied admission to the U.S.

The surge of emigrants and landing rejection cases began to provoke anti-Japanese sentiment on the West Coast, but there were numerous malicious agents in Japan who disregarded the safety of emigrants and the U.S. Immigration Acts. Fearing that emigration to the U.S. would become a source of diplomatic tension, the Japanese government enacted the Emigrant Protection Regulations on April 12, 1894, which tightened control over emigrants and “emigration agents” (*imin toriatsukainin*—individuals and companies engaged in recruiting emigrants and making arrangements for sending them abroad). Successfully regulating emigration to the U.S., the Japanese government advanced treaty revision negotiations with the Department of State, and the Treaty of Commerce and Navigation between Japan and the U.S. was signed in November.⁴

However, the emigration question assumed a new aspect after the outbreak of the

⁴ Ibid.

Sino-Japanese War in August. The October issue of the *Shokumin Kyōkai hōkoku* cited a statement by Sakuma Teiichi, the president of the Shūeisha (printing company), which originally appeared in the *Mainichi shinbun* on September 16. He suggested sending those who had served in the Sino-Japanese War to Korea as migrants after Japan's victory.⁵ Furthermore, the November issue of the *Shokumin Kyōkai hōkoku* quoted the following articles: an opinion in the *Niroku shinpō* (November 9) advocating the emigration of military porters (*gunpu*) to Korea and China after the war; a proposal in the *Yokohama bōeki shinbun* (November 1) for the emigration of Colonizer Soldiers in Hokkaido (*Tondenhei*) to Manchuria. Additionally, a letter (date unknown) from the Hiroshima Chamber of Commerce to Sakuma and Yoshikawa Taijirō, the president of the Nippon Yusen Kabushiki Kaisha, was cited. It insisted that those who had served in the war should emigrate to Australia, North America, South America, Hawaii, and other places against the backdrop of the postwar momentum of victory.⁶

The journal's publisher, the Shokumin Kyōkai, was a private organization dedicated to promoting the emigration business.⁷ After the victories in the battles of Pyongyang and the Yellow Sea in September, the war was going in Japan's favor. The Shokumin Kyōkai, perceiving a growing fever for emigration in Japan due to the exaltation caused by the anticipation of triumph and the re-employment problem of servicemen and military porters, sought to further accelerate this trend.

In addition, on March 23, 1895, immediately after the commencement of the Shimonoseki Peace Conference, Yamashita Chiyoō of the Jiyūtō (Liberal Party) and three others submitted a "Proposition on Overseas Emigration and Settlement" to the House of Representatives. They proposed that emigration to Latin America should be boosted in light of Japan's enhanced international prestige after the war, which was approved without significant opposition.⁸ It can be assumed that public expectations of emigration rose even

⁵ *Shokumin Kyōkai hōkoku* 18 (October 1894; repr. vol. 4, Tokyo: Fuji Shuppan, 1986): 88–90.

⁶ *Shokumin Kyōkai hōkoku* 19 (November 1894; repr. vol. 4, Tokyo: Fuji Shuppan, 1986): 97–102.

⁷ For the Shokumin Kyōkai, see Kodama Masaaki, "Kaisetsu" [Explanatory notes], in *Shokumin Kyōkai hōkoku: Kaisetsu, sōmokuji, sakuin* [Shokumin Kyōkai hōkoku: Explanatory notes, complete table of contents, and index] (Tokyo: Fuji Shuppan, 1987), 5–16.

⁸ "Dai hachi kai Teikoku Gikai Shūgiin giji sokkiroku" [Stenographic record of the proceedings of the House of Representatives of the 8th Imperial Diet] no. 52, 938–39. Regarding the Teikoku Gikai Shūgiin giji sokkiroku, Teikoku Gikai kaigiroku kensaku shisutemu [Database system for the minutes of the Imperial Diet] (<https://teikokugikai-i.ndl.go.jp/#/>) is used in this paper.

further after the Sino-Japanese Peace Treaty was signed on April 17.

Meanwhile, in August, the Foreign Ministry in conjunction with the Home Ministry initiated preparations to submit an Emigrant Protection Bill to the Imperial Diet.⁹ As previously stated, the Japanese government had already enacted the Emigrant Protection Regulations to prevent emigrants from being distressed abroad by unscrupulous emigration agents. However, the Regulations had some flaws owing to their status as an imperial ordinance that had not undergone the deliberations of the Diet. For instance, the Regulations obliged emigration agents to pay a deposit of not less than 10,000 yen to the local authorities, but the government could not seize it even if the agent violated the Regulations. To confiscate the deposit, which was private property, and use it to cover the costs of rescuing and repatriating emigrants, it was necessary to establish a law rather than an imperial ordinance.¹⁰ The Foreign Ministry decided that such legal deficiencies had to be remedied in the face of an expected increase in emigration driven by postwar public opinion.

On February 25, 1896, the government presented the Emigrant Protection Bill, prepared by the Foreign Ministry and the Home Ministry, to the Diet. The Bill was successfully passed and promulgated on April 7.¹¹ Vice Foreign Minister Hara Takashi thereupon delivered a speech at a conference of Police Department Chiefs (*Keibuchō*¹²) held at the Home Ministry on April 20, explaining, among other things, that the deposit issue had been resolved with the passage of the Emigrant Protection Law. Hara also mentioned that anti-Japanese movements were progressing in Canada and Australia. He drew the audience's attention to the possibility of "disgraceful" consequences that

⁹ Home Ministry to Foreign Ministry, 8 August, 1895, no. 247 (*hi kō*), Gaimushō kiroku [Diplomatic records] 3.8.1.3, "Imin hogo hō narabini shikō saisoku seitei ikken" [Enactment of the Emigrant Protection Law and Detailed Enforcement Regulations] vol. 1, Diplomatic Archives of the Ministry of Foreign Affairs of Japan (cited hereafter as DA-MOFAJ).

¹⁰ Suzuki, *Meiji Nihon to kaigai tokō*, 166–71.

¹¹ "Imin hogo hō wo sadamu" [Enacting the Emigrant Protection Law], *Kōbun ruishū* [Various official records compilations] vol. 20, no. 13, call no. Rui 00756100, National Archives of Japan.

¹² Officials actually responsible for the police in each prefecture. See Taikakai ed., *Naimushō shi* [The history of the Home Ministry] vol. 2 (1970; repr., Tokyo: Hara Shobō, 1980), 616–19.

impoverished Japanese abroad would attract criticism from the local people, leading to the enactment of landing regulations and equal treatment with the Chinese.¹³

In contrast to the mounting public anticipation of emigration, the Foreign Ministry was apprehensive that Japan's prestige would be damaged by the rejection of Japanese laborers in Canada and Australia, where Chinese immigrants had already been excluded. Although the Emigrant Protection Law was mainly designed to protect and control outgoing migrants, Article 4 was a prohibition clause: "The administrative authorities may, when they consider it necessary for the protection of emigrants, the preservation of public security, or diplomatic relations, suspend the departure of an emigrant or revoke the permission granted to him."¹⁴ Presumably, this was also due to concerns about Japanese exclusion in Western countries, but the Foreign Ministry's fears soon took on a touch of reality in the U.S., where the anti-Japanese movement had subsided at the time.

2. Suspension of Emigration to the United States

After the Sino-Japanese War, emigration to the United States resurged due to various factors, including an increase in the number of emigration companies, the re-employment of servicemen and military porters returning from the war, and the impoverishment of workers caused by postwar inflation.¹⁵ However, the growing number of low-wage Japanese workers posed a threat to white laborers, which gave rise to an anti-Japanese movement at a wooden box manufacturing factory in Everett, Washington, in April 1897. Moreover, in December, a building trades union and others in San Francisco resolved to submit a petition to Congress to restrict Japanese

¹³ Hara Takashi monjo kenkyūkai [Research group of the Hara Takashi papers] ed., *Hara Takashi kankei monjo: Shorui hen* [Papers related to Hara Takashi: Documents] vol. 3 (Tokyo: Nihon Hōsō Shuppan Kyōkai, 1986), 33–36.

¹⁴ Gaimushō [Foreign Ministry of Japan] ed., *Nihon gaikō bunsho* [Documents on Japanese foreign policy] vol. 29 (Tokyo: Nihon Kokusai Rengō Kyōkai, 1954), 978.

¹⁵ Kodama Masaaki, *Nihonjin imin Hawaii jōriku kyozeitsu jiken: Ryōji hōkoku wo chūshin ni* [The landing rejection incident of Japanese emigrants in Hawaii: Focusing on consular reports] (Tokyo: Fuji Shuppan, 2011), 12–16.

immigration.¹⁶ Although none of these events led to serious political problems, anti-Japanese fervors smoldered on the West Coast. Under these circumstances, a series of landing rejection cases occurred in San Francisco.

On September 14, 16 free emigrants arrived in San Francisco through the agency of the Kōsei Imin Kabushiki Kaisha in Wakayama Prefecture. However, the immigration authorities at the port harbored suspicions regarding their contracts signed with the emigration company and the source of their money. As a result, they were denied entry as contract laborers, which was prohibited by the U.S. Immigration Acts.¹⁷ In response to this case, Foreign Minister Nishi Tokujirō issued instructions on February 12, 1898 to the prefectures of Tokyo, Osaka, Hyogo, Wakayama, Hiroshima, and Kumamoto, where emigration agents sending laborers to the U.S. were located at the time and directed not to allow emigration through an emigration agent.¹⁸

Moreover, on March 29, Vice Foreign Minister Komura Jutarō ordered all prefectures to completely halt emigration to the U.S. until further notice in accordance with a telegram from Hoshi Tōru, the Minister to the U.S. Hoshi had requested the suspension of emigration because 57 emigrants on the *City of Peking*, the *Doric*, and the *China* had successively been denied landing at San Francisco.¹⁹ As previously stated, the Foreign Ministry had the authority to prohibit emigration if there was a diplomatic need under Article 4 of the Emigrant Protection Law.

¹⁶ Gaimushō ed., *Nihon gaikō bunsho: Taibei imin mondai keika gaiyō* [Documents on Japanese foreign policy: Summary of the course of negotiations between Japan and the United States concerning the problem of Japanese immigration in the United States] (Tokyo: Gaimushō, 1972), 59–61.

¹⁷ Hoshi Tōru (Minister to the U.S.) to Ōkuma Shigenobu (Foreign Minister), October 2, 1897, no. 102 (rec. Oct. 29), Gaimushō kiroku 3.8.8.5 “Amerika koku Sōkō ni oite dōkoku imin nyūkokuhō teishoku mosikuwa kengi no kado wo motte honpōjin jōriku kyozeitsu zakken” [Miscellaneous issues on the rejection of Japanese landings in San Francisco for infringement or suspected violation of the U.S. Immigration Acts] vol. 1, DA-MOFAJ.

¹⁸ Nishi Tokujirō (Foreign Minister) to the Superintendent-General of the Metropolitan Police, prefectural governors of Osaka, Hyogo, Wakayama, Hiroshima, and Kumamoto, February 12, 1898, Gaimushō ed., *Nihon gaikō bunsho* vol. 31, no. 2 (Tokyo: Nihon Kokusai Rengō Kyōkai, 1954), 21–22.

¹⁹ Komura Jutarō (Vice Foreign Minister) to the Superintendent-General of the Metropolitan Police and all prefectural governors, March 29, 1898, *Nihon gaikō bunsho* vol. 31, no. 2, 23–24; Hoshi to Nishi, March 23, 1898, telegram no. 18 (rec. Mar. 25), Gaimushō kiroku 3.8.8.5, vol. 1.

The *City of Peking* left Yokohama on February 5 and entered San Francisco on February 22. Of the 24 emigrants who were denied landing, 13 were handled by the Kōsei Imin Kaisha, 4 by the Kobe Tokō Gōshi Kaisha, and the remaining 7 were without an emigration agent. Six passengers on the *Doric* (arrived on March 1) and 27 on the *China* (arrived on March 13) were also refused entry. All were emigrants without emigration agents. According to Article 3 of the Emigrant Protection Law, a worker was allowed to emigrate without the intervention of an emigration agent, provided that s/he appointed not less than two sureties to undertake the rescue and return of the emigrant.²⁰ However, upon their arrival in San Francisco, the 57 emigrants misrepresented their purpose of travel as agricultural research for fear of violating the U.S. Immigration Acts. They were laborers; therefore, they could not prove to the immigration authorities that they had sufficient funds for their studies. Consequently, the authorities considered them “persons likely to become a public charge,” which was prohibited by the U.S. Immigration Acts.²¹

Hoshi negotiated with the federal government to land these 57 emigrants, but the decision was eventually made to deport the 24 on the *City of Peking* to Japan.²² Meanwhile, the 33 emigrants on the *Doric* and the *China* were permitted to come ashore. With the series of landing rejections settled, Hoshi sent a dispatch to Nishi on May 3 requesting the lifting of the emigration suspension. At the same time, Hoshi presented the following opinion. The U.S. Immigration Acts were primarily designed to prevent the entry of foreign workers, and they were rigorously enforced against the Japanese on the West Coast due to the intense exclusionary sentiment. Although the emigration agents and sureties stipulated in the Emigrant Protection Law were beneficial for emigrant relief, they contravened the spirit of the U.S. Immigration Acts, which prohibited the assistance or encouragement of foreign migration.²³

²⁰ *Nihon gaikō bunsho* vol. 29, 978, 985.

²¹ Hoshi to Nishi, March 16, 1898, no. 24 (rec. Apr. 11); Hoshi to Nishi, April 5, 1898, no. 33 (rec. May 2), *Gaimushō kiroku* 3.8.8.5, vol. 1.

²² Hoshi to Nishi, April 5, 1898, no. 30 (rec. May 2), *Gaimushō kiroku* 3.8.8.5, vol. 1.

²³ Hoshi to Nishi, May 3, 1898, no. 47 (rec. May 30), *Gaimushō kiroku* 3.8.8.5, vol. 1.

On June 9, the Foreign Ministry directed all prefectures to resume emigration to the U.S. Simultaneously, Hoshi's views on the Japanese and American laws were quoted in the instructions to call each prefecture's attention to the regulation and control of emigrants.²⁴ The Foreign Ministry deemed it necessary to emphasize the considerable probability that legal emigrants in Japan would be considered illegal in the U.S. Furthermore, on June 30, the Foreign Ministry extended the coverage of the ban on emigration through an emigration agent to all prefectures.²⁵ Thereafter, in principle, only emigrants without an emigration agent could go to the U.S.

Subsequently, the Foreign Ministry remained wary of the growing anti-Japanese movement in the U.S., exercising caution in controlling emigrants. Nevertheless, emigration to the U.S. increased significantly in 1900. Therefore, on April 28, Foreign Minister Aoki Shūzō ordered all prefectures to limit the number of emigrants per month as follows: from February [*sic*] to September, 20 to 35, according to the population of each prefecture; from October to January of the following year, half the number of the previous period.²⁶ On May 4, the number of emigrants per month was further restricted to 4–10.²⁷ Moreover, the Foreign Ministry concluded that a mere numerical limitation was insufficient, resulting in the total suspension of emigration to the U.S. on August 2.²⁸

The Foreign Ministry assumed that the cessation of free emigration to Hawaii was one reason for the surge in emigrants to the U.S.²⁹ The government of the Republic

²⁴ Komura to the Superintendent-General of the Metropolitan Police and all prefectural governors (excluding Tokyo), June 9, 1898, *Nihon gaikō bunsho* vol. 31, no. 2, 34–36.

²⁵ Nishi to the Superintendent-General of the Metropolitan Police and all prefectural governors (excluding Tokyo), June 30, 1898, *Nihon gaikō bunsho* vol. 31, no. 2, 43–50.

²⁶ Aoki Shūzō (Foreign Minister) to the Superintendent-General of the Metropolitan Police and all prefectural governors (excluding Tokyo), April 28, 1900, Gaimushō ed., *Nihon gaikō bunsho* vol. 33 (Tokyo: Nihon Kokusai Rengō Kyōkai, 1956), 439–40.

²⁷ Aoki to the Superintendent-General of the Metropolitan Police and all prefectural governors (excluding Tokyo), May 4, 1900, *Nihon gaikō bunsho* vol. 33, 446.

²⁸ Aoki to the Metropolitan Police Department and all prefectures (excluding Tokyo), August 2, 1900, *Nihon gaikō bunsho* vol. 33, 396.

²⁹ Aoki to Japanese consuls in Vancouver, San Francisco, Tacoma, and Seattle, May 8, 1900, *Nihon gaikō bunsho* vol. 33, 449–51. This document states that free emigration to Hawaii was halted at the end of 1899, but as described below, the actual date was February 3, 1900.

of Hawaii incinerated Honolulu's Chinatown to eradicate the plague following the detection of patients in the area in December 1899. As a result, many Japanese residents in Chinatown were burned out and no houses were left to accommodate new immigrants. In response, the Foreign Ministry suspended free emigration to Hawaii after February 3, 1900.³⁰

Another important factor was the prohibition of previously legal immigration of contract laborers in Hawaii in June 1900, which was a consequence of the enforcement of the U.S. Immigration Acts following the annexation of Hawaii to the U.S. in 1898.³¹ The Foreign Ministry was aware that numerous Japanese workers were moving to the U.S. mainland in anticipation of a long-term cessation of emigration to Hawaii. The table illustrates a sharp decline in emigration to Hawaii and a rapid increase in emigration to the U.S. in 1900.³²

Table. Number of passports issued

Year	To Hawaii		To the U.S.	
	Total	For labor	Total	For labor
1899	27,155	25,451	6,942	3,999
1900	4,760	4,442	10,562	7,369
1901	2,982	1,938	1,986	134

Source: Naikaku Tōkeikyoku [Cabinet Statistics Bureau] ed., *Nihon teikoku tōkei nenkan* [Statistical yearbook of the empire of Japan] vols. 19–21 (1900–02; repr., Tokyo: Tokyo Ripurinto Shuppansha, 1964).

Note: “For labor” is the sum of “agriculture and fishery,” “artisans,” and “migrants.”

³⁰ Saitō Miki (Consul in Honolulu) to Aoki, January 22, 1900, no. 11 (rec. Feb. 3); Aoki to the Superintendent-General of the Metropolitan Police and all prefectural governors (excluding Tokyo), February 3, 1900, Gaimushō kiroku 3.8.2.3 “Honpō imin Hawai tokō ikken” [Japanese Emigration to Hawaii] vol. 4, DA-MOFAJ. For details concerning the burning of Chinatown, see Yamamoto, *Hawai no Nihonjin imin*, 129–40.

³¹ Kodama, *Nihon imin shi kenkyū josetsu*, 406–408.

³² On June 9 and 19, 1900, the Foreign Ministry sent instructions to all prefectures, drawing their attention to emigrants misrepresenting their purpose. As the control of emigration to the U.S. was tightened, there was a notable increase in the number of laborers obtaining passports under the pretense of being merchants or students (*Nihon gaikō bunsho* vol. 33, 453–54, 458–59). The actual number of emigrants to the U.S. in that year must have been larger than the “For labor” figure shown in the table.

The Foreign Ministry's policy on emigration at the time was neither that of encouragement nor of laissez-faire; emigration was permitted as long as it did not harm the "general interests of the Empire." However, in response to the influx of Japanese laborers into the Western states in 1900, Congress faced a disquieting situation in April and May that could lead to anti-Japanese legislation. Additionally, the following exclusionary movements occurred on the West Coast: the intensification of anti-Japanese coverage by local newspapers in San Francisco in April, a boycott of Japanese-owned restaurants in Seattle in May, and the rejection of 153 Japanese landings in Tacoma from May to early June. Under these circumstances, Nabeshima Keijirō, the Chargé d'Affaires ad interim to the U.S., and Japanese consuls in those cities firmly demanded that the Foreign Ministry restrict or halt emigration.³³ As previously mentioned, the Foreign Ministry had already banned emigration through an emigration agent, but the "general interests of the Empire" could no longer be protected by such a measure. Therefore, the total suspension of emigration to the U.S. was implemented under Article 4 of the Emigrant Protection Law.

Consequently, the number of emigrants to the U.S. decreased sharply in 1901, as shown in the table. Although there were probably some emigrants who were exceptionally granted passports or under the guise of being merchants or students, the suspension of emigration successfully mitigated the anti-Japanese sentiment in the U.S. This led the Foreign Ministry to relax the restrictions; after June 1902, passports were issued to emigrants re-entering the U.S. with a residence certificate from a Japanese consulate as well as to their wives and children.³⁴

3. Japan-U.S. Negotiations over Discrimination in Plague Quarantine

On May 18, 1900, the San Francisco Board of Health resolved that the existence of bubonic plague was confirmed. Concurrently, following a directive from the United States Marine Hospital Service in Washington D.C., Joseph J. Kinyoun, a federal quarantine officer in San Francisco, ordered transportation companies not to sell tickets to Asians wishing to travel outside the city, except to those with a certificate. In addition, the Board of Health implemented Haffkine's vaccine inoculation exclusively for Chinese and Japanese nationals as a condition for issuing the certificates.

The Chinese and Japanese people who were disadvantaged by these measures

³³ *Nihon gaikō bunsho: Taibei imin mondai keika gaiyō*, 88–101.

³⁴ *Ibid.*, 108–10, 116–17.

filed a bill of complaint against Kinyoun and the Board of Health in the U.S. Circuit Court, resulting in the lifting of the quarantine by a ruling on May 28.³⁵ The discriminatory quarantine against Chinese and Japanese nationals was found to contravene the first section of the Fourteenth Amendment to the U.S. Constitution, which stipulated that no state shall “deny to any person within its jurisdiction the equal protection of the laws.”³⁶

However, on May 29, the San Francisco Board of Health resolved to blockade Chinatown, which also had a large Japanese population.³⁷ Another discriminatory quarantine was implemented in Colorado from May 28. The state prohibited the entry of Chinese and Japanese people without a certificate signed by the health officer of their place of departure, attesting that they had not been exposed to the bubonic plague during the six weeks preceding their departure.³⁸

In the San Francisco case, the blockade was lifted on June 15 as a consequence of litigation initiated by Chinese residents against the Board of Health in the U.S. Circuit Court. This measure targeted a specific district and was ostensibly not based on

³⁵ Mutsu Hirokichi (Consul in San Francisco) to Aoki, May 28, 1900, confidential no. 11 (rec. June 18); Mutsu to Nabeshima Keijirō (Chargé d’Affaires ad interim to the U.S.), May 25, 1900, confidential no. 15 (*sho*) (enclosure B-1 in Mutsu to Aoki, confidential no. 11); and Mutsu to Nabeshima, May 26, 1900, confidential no. 16 (*sho*) (enclosure B-2 in Mutsu to Aoki, confidential no. 11), Gaimushō kiroku 3.11.4.62 “Amerika koku Sōkō ni oite ‘pesuto’ byō hassei ni tsuki dōkoku seihu ni oite kōtsū seigenrei happu ikken” [Issuance of traffic restrictions by the U.S. government in response to a plague outbreak in San Francisco], DA-MOFAJ. Enclosure B-1 contains 19 annexes, including the correspondence Mutsu exchanged with Kinyoun and the Board of Health. Enclosure B-2 includes newspaper clippings reporting the progress of the trial.

³⁶ *Wong Wai v. Williamson et al.*, 103 F. 1 (CC, N.D. Calif., 1900), 9–10.

³⁷ Mutsu to Nabeshima, May 30, 1900, confidential no. 20 (*sho*) with a clipping from *San Francisco Examiner*, enclosure in Mutsu to Aoki, June 4, 1900, confidential no. 15 (rec. June 26), Gaimushō kiroku 3.11.4.62.

³⁸ Charles S. Thomas (Governor of Colorado) to John Hay (Secretary of State), June 8, 1900, telegram, enclosure no. 2 in Nabeshima to Aoki, June 12, 1900, confidential no. 24 (rec. July 9), Gaimushō kiroku 3.11.4.62.

race or nationality. However, in reality, white residents in Chinatown were excluded from the quarantine. Accordingly, it was deemed discriminatory and in violation of the Fourteenth Amendment.³⁹

In response to the lifting of the blockade, Kinyoun imposed a new quarantine on the same day. He ordered transportation companies not to sell tickets to travelers leaving San Francisco for other states without a certificate issued by an officer of the Marine Hospital Service. However, this was a non-discriminatory measure without regard to race or nationality, which provoked vigorous opposition from Californians in general. Consequently, the federal government rescinded the restriction on June 18.⁴⁰

Receiving a report on the discriminatory quarantine from Mutsu Hirokichi, the Consul in San Francisco, Nabeshima Keijirō, the Chargé d’Affaires ad interim to the U.S., sent the first letter of protest to Secretary of State John Hay on May 22. Nabeshima argued that discrimination based on race or nationality was a violation of the Treaty of Commerce and Navigation between Japan and the U.S. enforced in July 1899. Article 1 of the treaty guaranteed the Japanese in the U.S. national and most-favored-nation treatment with respect to residence and travel.⁴¹ However, because the Department of State did not provide a satisfactory reply, Nabeshima reiterated his protests, including the discrimination in Colorado. As a result, on June 29, the Department expressed its intention to observe the treaty and conveyed its regret for the

³⁹ Mutsu to Nabeshima, June 16, 1900, confidential no. 33 (*sho*), enclosure in Mutsu to Aoki, June 20, 1900, confidential no. 21 (rec. July 12), Gaimushō kiroku 3.11.4.62; *Jew Ho v. Williamson et al.*, 103 F. 10 (CC, N.D. Calif., 1900), 23–24.

⁴⁰ Mutsu to Nabeshima, June 16, 1900, confidential no. 34 (*sho*) with a copy of Kinyoun’s instructions to Southern Pacific Railway Company, June 15, 1900; Mutsu to Nabeshima, June 19, 1900, confidential no. 36 (*sho*); and Nabeshima to Mutsu, June 18, 1900, telegram no. 2, enclosures in Mutsu to Aoki, June 20, 1900, confidential no. 21 (rec. July 12), Gaimushō kiroku 3.11.4.62.

It is noteworthy that there was a divergence of opinion among experts at the time regarding the existence of the plague in San Francisco. Circuit Judge Morrow denied its existence in his personal opinion when he ruled on June 15 that the Chinatown blockade was unconstitutional (*Jew Ho v. Williamson et al.*, 24–26).

⁴¹ Nabeshima to Hay, May 22, 1900, no. 18, enclosure no. 2 in Nabeshima to Aoki, May 31, 1900, confidential no. 20 (rec. June 25), Gaimushō kiroku 3.11.4.62.

inconvenience caused to Japanese nationals by the San Francisco quarantine.⁴²

Nevertheless, the discriminatory quarantine was still maintained in Colorado. The governor refused to comply with Nabeshima's protests, asserting that the authority to quarantine resided in the police power of each state and that the federal government was unable to deprive the states of this power.⁴³ This was an argument based on the Tenth Amendment to the U.S. Constitution, which provided that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." In response, Nabeshima sent another letter of protest to the Department of State on July 12, calling attention to the treaty and the U.S. Circuit Court ruling against the San Francisco quarantine.⁴⁴ The Department forwarded it to the governor of Colorado "for his appropriate consideration."⁴⁵ Although this was an indirect approach in consideration of the Tenth Amendment, it subsequently led Colorado to remove the restriction.

Meanwhile, on August 9, Foreign Minister Aoki Shūzō directed Takahira Kogorō, the newly appointed Minister to the U.S., to demand that the federal government punish the officer who had conducted the discriminatory quarantine. Aoki also instructed Takahira that since the quarantine in San Francisco had already been withdrawn and the federal government had expressed regret, there was no need to seek guarantees against recurrence.⁴⁶ The Foreign Ministry attempted to conclude the protracted negotiations with the Department of State, although the lifting of the Colorado quarantine was yet to

⁴² David J. Hill (Acting Secretary of State) to Nabeshima, June 29, 1900, no. 44, enclosure no. 5 in Nabeshima to Aoki, July 2, 1900, confidential no. 26, Gaimushō kiroku 3.11.4.62. The receipt date of this letter cannot be identified because the number in the ones place is unclear; it is estimated to be between July 27 and 29.

⁴³ Thomas to the Department of State, June 28, quoted in Hay to Nabeshima, July 6, 1900, no. 45, enclosure no. 1 in Nabeshima to Aoki, July 12, 1900, confidential no. 27 (rec. Aug. 9), Gaimushō kiroku 3.11.4.62.

⁴⁴ Nabeshima to Hay, July 12, 1900, no. 29, enclosure no. 2 in Nabeshima to Aoki, July 12, 1900, confidential no. 27 (rec. Aug. 9), Gaimushō kiroku 3.11.4.62.

⁴⁵ Hay to Nabeshima, July 16, 1900, no. 48, *Papers Relating to the Foreign Relations of the United States, 1900* (Washington: Government Printing Office, 1902), 755–56.

⁴⁶ Aoki to Takahira Kogorō (Minister to the U.S.), August 9, 1900, confidential no. 13, Gaimushō kiroku 3.11.4.62.

be reported.

On October 1, Takahira interviewed David J. Hill, the Assistant Secretary of State. Following Aoki's instructions, Takahira requested that Kinyoun be punished for the San Francisco quarantine, but Hill asserted that it was not convenient to take punitive measures against him because he had acted on the directions of superior authorities (the Treasury Department and the Marine Hospital Service). Therefore, Takahira demanded assurance against the repetition of discrimination that Aoki deemed unnecessary, but Hill also declined this alternative proposal on constitutional grounds.⁴⁷

Accordingly, Takahira revised his demands and delivered the following memorandum to Hay on October 4. He first inquired whether the federal government admitted that the San Francisco quarantine was a violation of the treaty. He then requested guarantees to prevent the recurrence of discrimination within the power of the federal government.⁴⁸

In response, the Department of State sent Takahira the following memorandum on October 13. The last clause of Article 2 of the treaty provided that Article 1, which stipulated the rights of the Japanese in the U.S. relative to residence and travel, did not affect the laws and regulations in the U.S. with regard to trade, the immigration of laborers, police, and public security. However, the San Francisco quarantine had been ruled unconstitutional by the Circuit Court. The federal government's actions and its directions to state governments were bound by the court's decision; therefore, they would necessarily be consistent with Japan's contention that the treaty had been violated. Additionally, although the federal government could not provide guarantees against the recurrence of discriminatory cases for constitutional reasons, it would make efforts in its power to prevent their occurrence and bring about their reasonable solution.⁴⁹

This memorandum confirmed that the authority to quarantine resided with each state under the Tenth Amendment and that domestic quarantine regulations were prior

⁴⁷ Takahira to Aoki, October 17, 1900, confidential no. 42 (rec. Nov. 15), Gaimushō kiroku 3.11.4.62.

⁴⁸ Memorandum handed by Takahira to Hay, October 4, 1900, enclosure no. 1 in Takahira to Aoki, October 17, 1900, confidential no. 42 (rec. Nov. 15), Gaimushō kiroku 3.11.4.62.

⁴⁹ Memorandum from the Department of State to Takahira, October 13, 1900, enclosure no. 2 in Takahira to Aoki, October 17, 1900, confidential no. 42 (rec. Nov. 15), Gaimushō kiroku 3.11.4.62.

to the treaty. In accordance with these principles, the Department of State took the position that rights infringed by discriminatory quarantine should be protected through the justice and remedial measures of the federal government.

Subsequently, negotiations were suspended as Japan withheld its response. Meanwhile, on December 3, President William McKinley referred to Japan in his annual message to Congress. He praised Japan's success in treaty revision and its major contribution to the liberation of the legations in Peking during the Boxer Rebellion. In addition, he declared that there would be no recurrence of discriminatory quarantine because the San Francisco case had been deemed unconstitutional by the federal court.⁵⁰ McKinley probably felt it necessary to placate Japan, which was resentful that the Japanese were treated the same as the Chinese despite its growing international presence.

4. Settlement of Negotiations over Discriminatory Quarantine

On February 16, 1901, Noma Gozō of the Kensei Hontō (Real Constitutional Party) and 30 supporters introduced an interpellation in the House of Representatives, questioning the Japanese government's actions regarding the discriminatory quarantine in San Francisco the previous year. Noma then observed from the rostrum that Japan had become a major power in the Orient following its victory in the Sino-Japanese War and that treaty revision had realized equal relationships between Japanese people and foreigners in Japan. In light of these developments, he inquired whether overseas Japanese received the equal treatment guaranteed by the revised treaties.⁵¹ Discriminatory quarantine provoked public outcry in Japan despite the aforementioned statement by President William McKinley.

However, on February 26, Foreign Minister Katō Takaaki merely replied that, with regard to the quarantine question, the government was currently engaged in negotiations with the federal government.⁵² The Foreign Ministry required slightly more time to resume negotiations.

On May 17, Katō finally sent the following instructions to Takahira Kogorō, the Minister to the United States. The discriminatory measures implemented in San

⁵⁰ *Papers Relating to the Foreign Relations of the United States, 1900*, xxiii.

⁵¹ “Dai jūgo kai Teikoku Gikai Shūgiin giji sokkiroku” [Stenographic record of the proceedings of the House of Representatives of the 15th Imperial Diet] no. 8, 69–73.

⁵² “Dai jūgo kai Teikoku Gikai Shūgiin giji sokkiroku” no. 12, 141.

Francisco and Colorado in the previous year had not only been subversive of the principles of international law that provided for equal relations between nations and the rights of aliens, but also at variance with the Treaty of Commerce and Navigation between Japan and the U.S., which guaranteed national and most-favored-nation treatment to the residence and travel of the Japanese in the U.S. Additionally, as illustrated by the McLeod case and other precedents, the federal government had admitted the superiority of international rights and duties to municipal rules and arrangements. Therefore, the Japanese government demanded that the federal government adopt legislative measures to prevent any repetition of discrimination.⁵³

The Department of State's view, expressed in the memorandum of last October, was that treaty rights were subordinate to state rights. Considering the mounting public opposition in Japan to the discriminatory quarantine, the Foreign Ministry deemed it imperative to persuade the federal government to ensure the supremacy of the treaty over state rights. Incidentally, the McLeod case was the one that led to the enactment of a federal law in August 1842. This statute provided for the transfer of jurisdiction over cases that affected international relations from the state in which they occurred to the federal government.⁵⁴

On June 13, Takahira sent a copy of Katō's instructions to Secretary of State John Hay, informing him of Japan's demand.⁵⁵ However, another discriminatory quarantine was implemented before the Department of State responded. When the steamer *America Maru*, en route from Yokohama to San Francisco, arrived in Honolulu on July 25, the federal quarantine officers conducted a quarantine due to the discovery of a Chinese passenger suspected of being infected with the plague (later determined to be syphilis). The discriminatory nature of this procedure was that the Japanese and Chinese crew and passengers were subjected to armpit and groin palpation, whereas the white passengers

⁵³ Instructions from the Foreign Ministry to Takahira, May, 1901, enclosure no. 1 in Katō Takaaki (Foreign Minister) to Takahira, May 17, 1901, no. 40, Gaimushō kiroku 3.11.4.62.

⁵⁴ For the McLeod case, the Foreign Ministry referred to *Papers Relating to the Foreign Relations of the United States, 1887* (Washington: Government Printing Office, 1888), 756, 768–69.

⁵⁵ Takahira to Hay, June 13, 1901, no. 14, *Papers Relating to the Foreign Relations of the United States, 1901* (Washington: Government Printing Office, 1902), 375–76.

underwent only a visual inspection.⁵⁶

On July 27, Chief Quarantine Officer L. E. Cofer apologized to the Japanese Consulate for the differential treatment of even first-class passengers, explaining that this was due to a misunderstanding of his instructions by his subordinate L. P. H. Bahrenburg.⁵⁷ However, upon receiving reports from Saitō Miki, the Consul in Honolulu, Foreign Minister Sone Arasuke sent the following telegram to Takahira on August 22. Obviously, the discrimination against first-class passengers was unacceptable, but Cofer's representations authorized the differential treatment of second-class and steerage passengers as well as the crew. This incident was incompatible with the principle of reciprocity stipulated in the treaty and was provoking public opposition in Japan, with the discriminatory cases in San Francisco and Colorado remaining unresolved. Therefore, the Japanese government demanded that the Department of State take disciplinary action against the offending officers and adopt measures against the recurrence of such events.⁵⁸

On August 24, Takahira submitted a copy of the telegram to the Department of State to convey Japan's demands. Furthermore, he reiterated the protest by invoking the October 13 memorandum of the previous year from the Department of State. As mentioned before, this was a statement that the federal government was bound by the court decision that had ruled the San Francisco case unconstitutional. Takahira also referred to McKinley's aforementioned message of December 3 that had denied the

⁵⁶ Saitō to Sone Arasuke (Foreign Minister), July 31, 1901, no. 93 (rec. Aug. 15); Okabe Saburō (Elève Consul in Honolulu) to Sugimura Fukashi (Director of the International Trade Bureau), July 31, 1901 (no receipt date), *Gaimushō kiroku* 3.11.4.65 “Hawai ni okeru huhō ken’eki kankei zakken” [Miscellaneous issues related to an unlawful quarantine in Hawaii], DA-MOFAJ.

⁵⁷ L. E. Cofer (Passed Assistant Surgeon of the Marine Hospital Service) to Tanaka Tokichi (Elève Consul in Honolulu), July 27, 1901 with a copy of L. P. H. Bahrenburg (Assistant Surgeon of the Marine Hospital Service) to Cofer, July 27, 1901, enclosure in Saitō to Sone, July 31, 1901, no. 93 (rec. Aug. 15), *Gaimushō kiroku* 3.11.4.65.

⁵⁸ Sone to Takahira, August 22, 1901, telegram no. 45, *Gaimushō kiroku* 3.11.4.65.

recurrence of discriminatory quarantine.⁵⁹

As a result, on September 20, Hay sent a letter to Takahira notifying him that the Treasury Department and the Marine Hospital Service had expressed regret and had reprimanded Bahrenburg. Additionally, the letter conveyed that the Marine Hospital Service had directed Cofer to take steps to prevent the repetition of discrimination.⁶⁰

The measures adopted by the federal government were immediately telegraphed to the Foreign Ministry. However, given that the San Francisco ruling failed to prevent the America Maru Incident, there remained uncertainty as to whether the actions taken in the latter case would serve as a deterrent elsewhere. Therefore, on October 3, Foreign Minister Komura Jutarō directed Takahira by telegram to demand that the federal government issue administrative instructions to the quarantine officers at the other ports.⁶¹

Takahira negotiated again in accordance with the new directive. Consequently, on November 1, the Department of State informed him that the Treasury Department had provided administrative instructions to all officers of the federal quarantine service to prevent discrimination.⁶²

Furthermore, on November 6, Hay told Takahira that Bahrenburg had been suspended without pay for six months at the request of President Theodore Roosevelt. Takahira speculated that Roosevelt might have deemed a mere reprimand insufficient in consideration of the Japanese residents in Honolulu.⁶³ They recognized the America

⁵⁹ Takahira to Sone, August 31, 1901, no. 96 (rec. Sept. 24); Takahira to Hay, August 26, 1901, no. 18 (enclosure no. 1 in Takahira to Sone, no. 96); and Takahira to Alvey A. Adey (Acting Secretary of State), August 31, 1901, no. 21 (enclosure no. 6 in Takahira to Sone, no. 96), Gaimushō kiroku 3.11.4.65.

⁶⁰ Hay to Takahira, September 20, 1901, no. 36 with a copy of Walter Wyman (Surgeon General of the Marine Hospital Service) to the Secretary of the Treasury, September 6, 1901, enclosure no. 2 in Takahira to Sone, September 21, 1901, no. 114 (rec. Oct. 18), Gaimushō kiroku 3.11.4.65.

⁶¹ Komura Jutarō (Foreign Minister) to Takahira, October 3, 1901, telegram no. 57, Gaimushō kiroku 3.11.4.65.

⁶² Hay to Takahira, November 1, 1901, no. 40, enclosure no. 2 in Takahira to Komura, November 14, 1901, no. 133 (rec. Dec. 13), Gaimushō kiroku 3.11.4.65.

⁶³ Takahira to Komura, November 7, 1901, telegram no. 92 (rec. Nov. 8), Gaimushō kiroku 3.11.4.65.

Maru Incident, particularly the palpation of Japanese women by male quarantine officers, as an insult and sent a letter of protest to Roosevelt.⁶⁴ Takahira also mentioned the possibility that public indignation in Japan against the America Maru Incident, which had been conveyed to Roosevelt in an interview with a *New York Tribune* reporter, captured his attention.⁶⁵ In any case, it can be assumed that Roosevelt showed political consideration for Japan, whose presence grew through treaty revision and the Boxer Rebellion.

With the America Maru Incident resolved, Takahira urged Hay on November 13 to respond to the demand he had made in June concerning the San Francisco and Colorado cases.⁶⁶ In response, Hay sent the following reply on November 26. The federal government could not prevent local authorities, whether state or municipal, from enacting improvident and unconstitutional laws. Nor had the federal law passed as a consequence of the McLeod case been adopted to prevent the passage of illegal local regulations. As demonstrated by the San Francisco case, an individual whose rights had been violated by local government regulations could seek redress by filing a lawsuit in the federal court. Additionally, in case of the passage of local regulations in breach of the treaty, the Department of State would request the Department of Justice to cooperate in taking the necessary legal steps to enforce the due observance of treaty obligations.⁶⁷

This reply was almost identical to the October 13 memorandum of the previous year. Regarding the America Maru Incident, the Department of State was able to comply with Japan's requests with relative ease because all the persons involved were federal quarantine officers. However, Japan's claim that the treaty took precedence over state rights could infringe on the U.S. Constitution. Therefore, the Department of State had no choice but to repeat its previous position despite Roosevelt's political consideration

⁶⁴ Yamamoto, *Hawai no Nihonjin imin*, 198–211. In this connection, after the America Maru Incident, it was decided that female passengers would be palpated by female physicians or nurses.

⁶⁵ Takahira to Komura, November 16, 1901, confidential no. 47 (rec. Dec. 13), Gaimushō kiroku 3.11.4.65.

⁶⁶ Explanatory statement handed by Takahira to Hay, November 13, 1901, enclosure in Takahira to Komura, November 16, 1901, confidential no. 47 (rec. Dec. 13), Gaimushō kiroku 3.11.4.65.

⁶⁷ Hay to Takahira, November 26, 1901, no. 43, enclosure in Takahira to Komura, December 5, 1901, no. 139 (rec. Jan. 7, 1902), Gaimushō kiroku 3.11.4.65.

for Japan.

The Foreign Ministry concluded that it was no longer possible to obtain guarantees against the recurrence of discriminatory state quarantine and terminated negotiations with the federal government. However, on March 6, 1902, Nemoto Shō of the Rikken Seiyū Kai (Association of Friends of the Constitutional Government) and 31 supporters introduced an interpellation in the House of Representatives, questioning how the Japanese government dealt with the San Francisco case.⁶⁸ Although nearly two years had already passed since the incident, the public outcry in Japan against discrimination had not subsided.

On March 8, Komura replied that the quarantine in San Francisco had been lifted on June 18, 1900 as a consequence of protests by the Japanese government and that administrative instructions had subsequently been issued to all federal quarantine officers prohibiting discriminatory action.⁶⁹ In fact, it was the Circuit Court rulings and the federal government's decision that led to the withdrawal of the San Francisco quarantine. However, to satisfy the domestic public opinion, Komura explained that discrimination had been successfully resolved through diplomatic negotiations conducted by the Foreign Ministry and the outcome of the America Maru Incident.

Conclusion

After the Sino-Japanese War, the anticipation of emigration rose in Japan due to the elation of victory and the re-employment problems of those who had served in the war. In response, the Foreign Ministry enacted the Emigrant Protection Law to tighten control over emigration agents. Additionally, a provision was included in the law to prohibit emigration when diplomatic necessity required it. The Foreign Ministry feared that the expansion of emigration would exacerbate anti-Japanese sentiment in Western countries.

Subsequently, since numerous Japanese laborers were denied landing in San Francisco against the backdrop of smoldering anti-Japanese fever on the West Coast, the Foreign Ministry prohibited emigration to the United States through an emigration agent. However, emigration to the U.S. mainland increased sharply when emigration to Hawaii was halted due to the burning of plague-affected Chinatown and the prohibition

⁶⁸ “Dai jūrokkai Teikoku Gikai Shūgiin giji sokkiroku” [Stenographic record of the proceedings of the House of Representatives of the 16th Imperial Diet] no. 27, 575.

⁶⁹ “Dai jūrokkai Teikoku Gikai Shūgiin giji sokkiroku” no. 29, 633.

of contract labor following annexation to the U.S. Consequently, the exclusion movement in the Western states intensified, leading the Foreign Ministry to suspend all emigration to the U.S.

Meanwhile, discriminatory quarantines against Chinese and Japanese nationals were carried out in San Francisco and Colorado as a measure to prevent the spread of the plague. The Japanese Legation repeatedly protested to the Department of State that discrimination based on race or nationality contravened the Japan-U.S. treaty, which guaranteed national and most-favored-nation treatment for travel and residence. However, the Department of State responded that domestic quarantine regulations were prior to the treaty and that rights infringed by discriminatory quarantine were protected through trials and remedies by the federal government.

The Foreign Ministry reattempted negotiations with the Department of State to secure the supremacy of the treaty over state rights and obtain guarantees against the recurrence of discrimination. Concurrently, the Foreign Ministry lodged repeated protests against the America Maru Incident that occurred in Honolulu. As a result, the federal government promised not to reiterate discriminatory quarantine by federal officers, but no concessions were made regarding the differential treatment by the states.

Thus far, the course of events revealed in this study has been outlined. The suspension of emigration successfully assuaged anti-Japanese sentiment in the U.S. for the time being. It was also a notable outcome of Japanese diplomacy that the U.S. government, in response to Japan's repeated protests backed by the international presence augmented through treaty revision and the Boxer Rebellion, prohibited discrimination by federal quarantine officers.

However, the tranquility brought about by the emigration suspension was short-lived. On August 1, 1901, the Foreign Ministry rescinded the prohibition on free emigration to Hawaii.⁷⁰ Subsequently, a number of Japanese emigrants moved from Hawaii to the U.S. mainland in search of higher wages. Japan was unable to adequately regulate migration within U.S. territories. As a result, over 30,000 Japanese people crossed over from Hawaii to the U.S. mainland between 1902 and 1906.

The massive influx of immigrants, coupled with Japan's victory in the Russo-Japanese War, fueled fear and hostility among white laborers in California, leading

⁷⁰ Sone to the Metropolitan Police Department and all prefectures (excluding Tokyo), July 4, 1901, Gaimushō kiroku 3.8.2.122 "Hawai e honpō imin dekasegi torishimari zakken" [Miscellaneous issues on the control of Japanese emigration to Hawaii] vol. 2, DA-MOFAJ.

to the San Francisco School Segregation Crisis of 1906.⁷¹ This was a recurrence of discriminatory treatment by a local government that Japan had failed to persuade the federal government to prohibit during the plague quarantine negotiations.

⁷¹ Kimura Kenji, *Kindai Nihon no imin to kokka, chiiki shakai* [Emigration, state, and local communities in modern Japan] (Tokyo: Ochanomizu Shobō, 2021), 83–91.