

Nebraska State Capitol, circa 1907 postcard. A year after the 1921 Alien Land Law was passed, construction began on the present capitol. RG2133-12-57





# JAPANESE IMMIGRATION AND NEBRASKA'S 1921 ALIEN LAND LAW

BY STEPHEN W. KAY

The COVID-19 pandemic has seen renewed discrimination against Asian Americans in the United States. Some Americans, referring to the virus's place of origin, have made a point of calling the virus the "China Flu" or the "Wuhan Flu."

This is not the first time people of Asian ethnicity have faced prejudice in the United States. This article will discuss Nebraska's response to Japanese immigration in the early twentieth century.

The following laws and agreements provide some national context for the Nebraska story:

- **The Naturalization Act of 1790** limited US naturalization to "free White person[s]."<sup>1</sup>
- **The Naturalization Act of 1870** extended naturalization laws to "aliens of African nativity and to persons of African descent."<sup>2</sup>
- **The "Gentlemen's Agreement of 1907-1908"** established that the Japanese Government would stop issuing passports to laborers bound for the United States. Passports could be issued to returning laborers and the parents, wives, and children of laborers already residing in the US.<sup>3</sup>



**At the 1920 state constitutional convention, Joseph Beeler of Lincoln County introduced a proposal to restrict the right of non-citizens to own land in Nebraska.**  
RG2411-0-367

- **The California Alien Land Law of 1913** (also known as the Webb-Haney Act), prohibited aliens ineligible for citizenship (i.e., neither White nor African) from owning land and possessing long-term leases. In 1920 California passed an amendment to its alien land law, prohibiting short-term leases of land to aliens ineligible for citizenship.<sup>4</sup>
- **The Immigration and Naturalization Act of 1952** (also known as The McCarran-Walter Act), gave Asians the right to become United States citizens.<sup>5</sup>

### Nebraska Constitutional Convention 1919-1920

The 1900 US Census listed only a handful of Japanese immigrants in Nebraska: Mow Moo, a restaurateur in Crawford; Yasujuro Nikaido, a chemistry professor at the University of Nebraska in Lincoln; and Yashichiro Yamashita, a student living with the William Jennings Bryan family in Lincoln.<sup>6</sup>

The number of Japanese immigrants in Nebraska grew to 590 by 1910 and to 804 by 1920. Many of these people lived in western Nebraska. The census for Lincoln County (including North Platte) listed 95 Japanese immigrants in 1910 and 261 in 1920. In Scotts Bluff County the numbers were 106 in 1910 and 226 in 1920.<sup>7</sup>



**Sherman County farmer Hiram Hisanori Kano was president of the Japanese Americanization Society of Nebraska. This painting hangs in Bishop Beecher Memorial Hall in Mitchell, Nebraska.**  
Photo courtesy of Holy Apostles' Episcopal Church, Mitchell.

Nebraskans debated Japanese immigration and alien land ownership at a state constitutional convention in 1919-1920. In 1917 Nebraska voters had approved the calling of a constitutional convention to address various issues. The convention adopted forty-one amendments, which were then approved by voters and incorporated into the existing state constitution.<sup>8</sup>

On January 8, 1920, delegate Joseph G. Beeler from Lincoln County introduced Proposal No. 215, to amend the state Bill of Rights (Section 25 of Article I) as follows: "No alien, whether resident or non-resident of the state, shall after the adoption of this section by the people of the state, become the owner of any real estate in this state, or become the lessee of any real estate for a period exceeding one year."<sup>9</sup>

The *Alliance Herald* reported that the proposal "would not divest those aliens now holding such rights. Mr. Beeler, in explaining his proposal, says that while it is not directed at any particular nationality, but (*sic*) applies to all foreigners, that Japanese aliens have been recently purchasing land in western Nebraska to an alarming extent, particularly around Scottsbluff, where a large Japanese colony now exists."<sup>10</sup>

The bill was referred to the Committee on Miscellaneous Subjects, chaired by delegate Charles H. Epperson.<sup>11</sup> Hiram Hisanori Kano, a Sherman County farmer, spoke before the committee. Born in Tokyo, Kano immigrated to Nebraska in 1916 at the invitation of William Jennings Bryan and received a Master's Degree in Agricultural Economics from the University of Nebraska in 1918. He was president of the Japanese Americanization Society of Nebraska. Mr. Kano's remarks follow:

In Nebraska, there are about 700 Japanese, including Nisei. There are about 200 Japanese farms, mostly raising sugar beets along the North Platte River. Nearly all are tenant farmers whose skill and hard work satisfies their landlords and the sugar company. Japanese living in towns or cities mostly operate cafes and restaurants, with the help of their employees. They are friendly and cooperative with their neighbors, sharing their joys and sorrows.

As you probably know, the U.S. Constitution gives the privilege of naturalization only to free white men and Negroes, not to other races. Therefore, we are not yet citizens,



but we Japanese have a strong desire to be adopted here, to live here permanently, desiring to be buried in Nebraska when our earthly life comes to an end. Therefore, we are doing our very best to develop and elevate the State of Nebraska materially and spiritually. I beg you from the bottom of my heart, do not make any law detrimental to your Japanese brethren. I certainly appreciate your very great kindness of giving me this wonderful opportunity to address you gentlemen who are representing justice, liberty, and equality.<sup>12</sup>

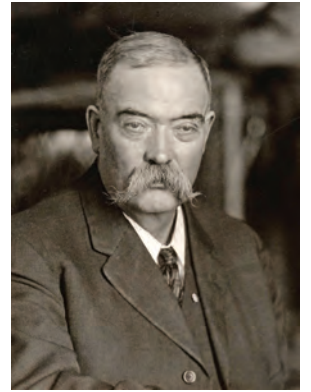
The committee filed its report on February 6, recommending indefinite postponement of Proposal No. 215. On February 9, Mr. Beeler made a motion to reject this recommendation and to place the proposal on general file. This motion failed.<sup>13</sup>

Delegate Edgar Ferneau of Nemaha County introduced a different proposal at the convention.

After being considered by various committees, the final version of Proposal No. 88 was passed on March 23, 1920.<sup>14</sup> It read: "Section 25. No distinction shall ever be made between resident and non-resident citizens of the United States in respect to the acquisition, ownership, possession, enjoyment or descent of property. The right of aliens in respect to the acquisition, enjoyment and descent of property may be regulated by law."<sup>15</sup>

Ferneau said Proposal No. 88 "is the same proposal that was submitted in Kansas in 1888, and adopted by the State of Kansas, and is in force there." He added that the committee had considered many proposals regarding alien ownership of property and "decided that it would be proper to leave that matter with the Legislature so that if the occasion did arise, the Legislature would have power to do it."<sup>16</sup>

A year later the *Alliance Herald* quoted a *Sacramento Bee* article that made several inaccurate statements about the Nebraska



**Charles Epperson chaired the committee that recommended indefinite postponement of the proposed 1920 land ownership restrictions.**  
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**Delegates to the 1919-1920 Nebraska Constitutional Convention outside the State Capitol.**

convention: “Last year an alien land bill was introduced in the Nebraska [L]egislature. According to accounts in the Japanese newspapers it was killed at the request of Viscount Kano, a wealthy Japanese farmer of Nebraska, who, with Naito, the secretary of the Japanese [A]ssociation of Nebraska, and an attaché of the Japanese consulate at Chicago, appeared before the legislature and apparently convinced the lawmakers that Japanese immigration is a good thing for the state.”<sup>17</sup>

The alien land proposal had been introduced at the constitutional convention, not the legislature, and the matter had been left to the legislature. Hiram Hisanori Kano was neither wealthy nor a viscount. He had an older brother, who under

Japanese law of primogeniture had the right to inherit his parent’s estate.

While the constitutional convention added no restrictions regarding alien ownership of land, it opened the door for the legislature to do so. It did not take the legislature long to act.

### The 1921 Alien Land Law

In 1921 Nebraska still had a bicameral legislature, consisting of a Senate and House of Representatives. Bills were introduced in the House and were then assigned to House committees. These committees could issue reports recommending bills be indefinitely postponed (killed) or placed on general file for consideration. The committees could also report out with no recommendation. Committee reports with an indefinite postponement recommendation were voted on by the House. Bills could also be amended. If a bill was passed by the House following its third reading it was sent to the Senate, where the same procedure would take place.

House Roll No. 138 (known as the Alien Land Law bill) was introduced on January 17, 1921, and went through the process of amendment, passage, and signature by the governor on April 26. There are no verbatim transcripts of testimony, but newspaper articles provide some details of the debate.

Introduced by Representative Edward S. Davis of North Platte, House Roll No. 138 was based on the California alien land law.<sup>18</sup> California had enacted this law in 1913 in response to Japanese immigration, and amended it in 1920 with a further restriction on short-term leases. House Roll No. 138 was read a second time and referred to the House Judiciary Committee on January 18.<sup>19</sup> It provided in part: “Section 1. That *Aliens eligible to citizenship under the laws of the United States* [emphasis added] may acquire, possess, enjoy, transmit and inherit real property, or any interest therein, in this state, in the same manner and to the same extent as citizens of the United States.”<sup>20</sup> Japanese immigrants were not eligible for citizenship.<sup>21</sup>

In February 1921, Charles H. Shinn, Richi Ugai, and Hugh Wada, all from North Platte, published a “Brief Statement of Facts Relative to Lands Owned by Persons of Japanese Birth in Lincoln County, Nebraska” in *The North Platte Semi-Weekly Tribune*. The statement is worth quoting at length:

It has been charged that the Japanese are becoming a menace in this State, but we feel sure that the statistics will bear us out in the statement that there were more Japanese in the

**Edgar Fernau of Nemaha County introduced a 1920 proposal that opened the door for the legislature to restrict alien land ownership.**  
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**Rep. Edward Davis of North Platte based his 1921 Alien Land Law bill on an existing California law passed in response to Japanese immigration.**  
RG2141-0-583.





State of Nebraska fifteen years ago than there are today, two to one. There were approximately one thousand Japanese in the State of Nebraska fifteen years ago, while today there are not more than five hundred, including men, women and children, and the farming industry opportunities in the State of Nebraska, are not such as to cause any alarm in reference to an increasing population, and there is no inducement for the migrating of people of Japanese birth from the Western Coast.

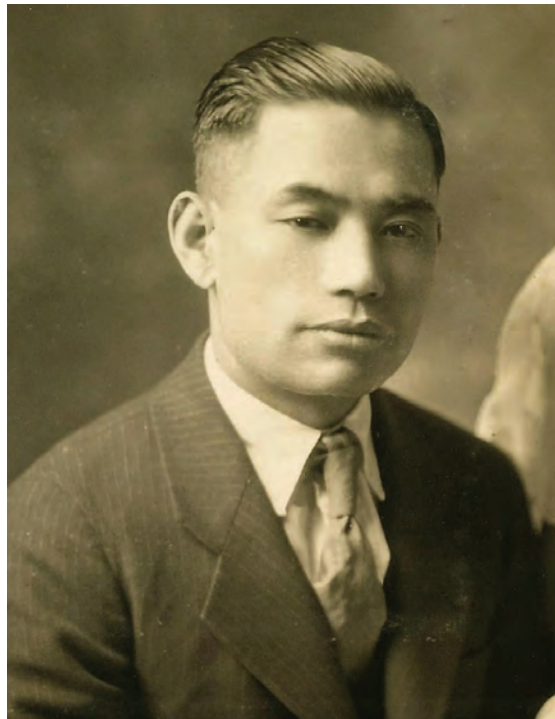
There is in Nebraska, an association known as "The Japanese – Americanization Society of Nebraska," with its headquarters at North Platte and this Association covers the entire State of Nebraska, and its membership consists of approximately four hundred persons. The objects and aims of this Association, are for the inculcation of American standards and ideals among the Japanese people within the State, and we have no hesitancy in stating that the records will disclose that the people of Japanese birth in the State of Nebraska, will rank as high as aliens of any other country as an industrious, law abiding, home-loving people. One needs but search the criminal records of Lincoln County and the State of Nebraska to corroborate the above statement.

It will probably be of interest to know that in Lincoln County, persons of Japanese birth owning property are but few and we believe the following statement of property owners in the county to be correct:

- C.H. Shinn, North Platte, owning 160 acres.
- H.C. Uyemura, North Platte, owning 215 acres.
- Richi Ugai, North Platte, owning Hotel Palace, his residence at 320 E. 6th Street, and about eight blocks of land in the east part of the City.
- And three or four other Japanese boys owning their homes in the north part of the City.

We feel safe in stating that approximately all of the lands owned by persons of Japanese birth in the State aside from those mentioned would be as follows:

- George Matsutani, Paxton, Nebr., 160 acres.
- H. Kano, Litchfield, Nebr., 320 acres.
- S. Shindo, Grand Island, Nebr., owning the Palace Café and approximately 200 acres owned by parties in Scotts Bluff County.



**Hugh Wada and Richi Ugai were among the Japanese-Americans of North Platte who publicly opposed the Alien Land Law.** Wada photo courtesy of Church of Our Savior, North Platte; Ugai photo courtesy of Susan Ugai.



The (*sic*) most of the farm lands owned by Japanese is utilized for beet raising, and the Japanese farmer as laborer, tenant, and land owner, has by his industry and intensive farming, made productive, lands that were originally presumed to be of little value and have greatly added to the general productiveness of the farmland of the State.



**Rep. James Rodman, chairman of the House Judiciary Committee, invited Kano to address the committee regarding the Alien Land Law bill.**  
1922 *Nebraska Blue Book*

It has been charged that the Japanese people spend nothing for their living and are therefore of no benefit to the community, but we wish to state that an investigation will disclose the fact that the large percentage of the Japanese people live well, and if some of them prosper beyond their neighbor of a different nationality, it is due to their industry and application, and their failure to spend on the more useless luxuries, and not due to the fact that they do not live well.

...  
What the Japanese people of Lincoln County, and the State of Nebraska ask, is not that they demand that which persons of other nationalities have, but that they be treated fairly, that their industry and their American ideals be rewarded and not penalized by the adoption of the measure that is now pending in the legislature.<sup>22</sup>

Other Nebraskans tried to instill fear regarding Japanese immigration, raising concerns about “Japanese colonization” and interracial marriage.

**Right Reverend George Allen Beecher, Bishop of the Episcopal Missionary District of Western Nebraska, called the Alien Land Law not only “wrong, but unjust, un-American, and permanently detrimental to the peace and prosperity of this great commonwealth.”** Photo courtesy of Church of Our Savior, North Platte



In an editorial titled “The Japanese Question,” the *Alliance Herald* said:

The average Nebraskan does not realize the menace that lies in the Japanese colonization in this state. But other states, notably California and Idaho, have found that once the little brown men gain a foothold, they develop amazing strength....

Several California newspapers, notably the *Sacramento Bee*, have been securing statistics covering Japanese activity. The figures, as they relate to Nebraska, are a revelation. Do *Herald* readers realize that there are now over seven hundred Japanese in the state, and six hundred of them are members of the Japanese association, which was formed for the purpose of promoting ‘friendly relations’ with Americans, and incidentally to avert the danger of state alien land laws?

Ten percent—seventy-odd Japanese—are married to white women, daughters of farmers and shopkeepers, and the Japanese association takes this as evidence that there is no anti-Japanese spirit in the state. The Japanese think that the number of such marriages in the state will increase.

There’s another reason for the intermarriage of the Japs and the white women, and that is that many of the Japanese in Nebraska came here surreptitiously from Mexico, without passports, in violation of the so-called ‘gentlemen’s agreement,’ and therefore lack the necessary credentials to send back to Japan for picture-brides.

These figures, furnished by Neito (*sic*), the secretary of the Japanese association, should prove an eye-opener. Those who fancy there is no menace in the peaceful penetration of Nebraska by the Japanese should consider the matter carefully in the light of this evidence. It should not be difficult to arrive at the conclusion that about the best way to prevent the Japanese problem from becoming acute in Nebraska is to gently, but firmly, shut the door in their faces. If not, we may find ourselves in the fix of the old Arab who took pity on his camel one cold night and allowed the beast to warm his nose within his master’s tent.<sup>23</sup>

On February 1, the *Omaha Daily Bee* headline noted that a “Japanese Farmer in Custer County Will Address Legislature,” referring to Hiram Hisanori Kano (who actually farmed in Sherman County).<sup>24</sup>

In his book, *A History of the Japanese in Nebraska*, Kano discusses his February 1921 trip to Lincoln on behalf of the Japanese Americanization Society of Nebraska. Upon his arrival, he met the Rt. Rev. George Allen Beecher, Bishop of the Episcopal Missionary District of Western Nebraska. At the state capitol, Kano and Beecher met with Rep. Davis about his bill. According to Kano, Davis told Beecher that a friend of his in California had asked Davis to introduce such a bill. Beecher asked Davis to withdraw the bill at once.<sup>25</sup>

Kano writes that owing to the kindness of James A. Rodman, chairman of the House Judiciary Committee, he was invited to be present for a February 3 hearing for the bill. Kano addressed the committee and asked their assistance in discouraging the bill’s passage. Kano writes that he was asked many questions, and that sometimes members of the committee burst into laughter—an entertaining atmosphere that pleased Kano.<sup>26</sup>

Kano prepared written answers to thirteen “Japanese Questions,” which were printed and distributed to legislators. For example:

1. Is there any Japanese propaganda in Nebraska? No. On the contrary, there is a movement to make the Japanese assimilate into the American life and community under the name of Americanization Society of Japanese in Nebraska.

2. Are the Japanese a menace in Nebraska by increasing numbers? No. They are rather decreasing in numbers. No more immigrants came from Japan since the so-called ‘Gentlemen’s Agreement’ was contracted between the two countries in 1907.

3. Is there any tendency of the Japanese coming from the Pacific coast to Nebraska? No. Because the farming system in Nebraska is quite different from that of the Pacific and here in Nebraska more capital and skilled hands are needed with resolute minds.

4. Are the Japanese in Nebraska desirous of becoming the citizens of the United States? Yes. Since the Japanese are a people loving freedom and liberty, fit to be American citizens.

At the same time America will be benefited by admitting as citizens such law-abiding and diligent people as the Japanese in Nebraska.

...

7. Are the Japanese hard workers? Yes, and they are a law-abiding people.

...

9. How do the Japanese purchase the farm land in Nebraska? They bought, by their own money through their own toil, under the provision of the standing state law.

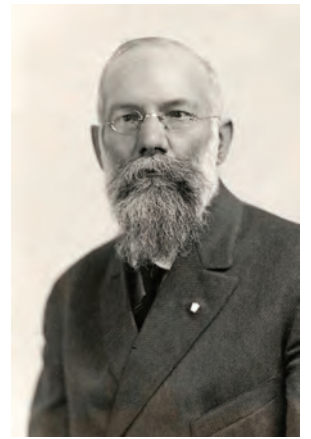
...

13. When H.R. 138 is enacted as law, does it violate the treaty between the United States and Japan? Yes. The persons prejudicially affected by the enactment complained of are expressly limited to those aliens who are not eligible for citizenship, therefore the Japanese, who are denied the right of American citizenship, are the principal sufferers and such measure and avowed purpose of the law is unfair and internationally, racially discriminatory against the letter and spirit of the standing treaty of the United States and Japan.

It is difficult for me to believe that the state of Nebraska, which has been a leader of democracy and justice, should make a discriminatory law against an industrious, law-abiding and honest people who desire to promote the welfare and prosperity of the state of Nebraska.

In conclusion, Honorable Representatives, I am firmly convinced that you are men who love justice and liberty more than race and color and I have every reason therefore, to appeal to you, who can show us fairness and equitableness on this matter; and I also fully believe that the true spirit of democracy which has made America the leader of mankind, is to be remarkably exercised through this distinguished body of men who are writing the legislation of the State of Nebraska.<sup>27</sup>

On February 2, Bishop Beecher wrote to the chairman of the Judiciary Committee. In the letter, which was also printed and distributed to legislators, Beecher said the land law was not only “wrong, but unjust, un-American, and permanently detrimental to the peace and prosperity of this great commonwealth. It would doubtless result in a growing spirit of race hatred which is always



**Rep. Fred Hoffmeister of Chase County said of the Japanese, “We’ll have to fight them sooner or later and we should begin right now to curb their influence in Nebraska.”** RG2141-0-1079





**Future Nebraska Governor Dwight Griswold, a banker and publisher from Gordon, was one of the representatives who opposed the 1921 Alien Land Law bill. 1922 Nebraska Blue Book**

the forerunner of war and bloodshed.” Beecher said that he knew many Japanese people in western Nebraska, and “found them industrious, honest, obedient to our laws, self-dependent, public spirited, ethical in business matters, loyal to our government, eager to learn our language, and always courteous and respectful. What better qualifications would we desire, as elements of good citizenship?” Beecher said he did not believe that most of his fellow Lincoln County residents supported such a law, especially if they knew any Japanese people.<sup>28</sup>

In a February 8 article titled “No Land for the Japanese,” the *North Platte Semi-Weekly Tribune* article summarized the arguments thus far. *The Tribune* noted that proponents of the law argued that Japanese immigrants “bring oriental customs with them when they come to this country, that they tend to settle in colonies, that they do not take to our ways of living, that they kill all competition because their standard of living is so low, that they can never intermarry with the white citizens and so will always present a race problem, and the Japanese being the most likely nation with which we will ever go to war, it is unwise to have any large number of her citizens in our midst.”

“On the other hand,” the *Tribune* said, “it is held that the Japanese are thrifty, that they are not increasing in numbers in this state, that they are good farmers and make and produce good crops, that they are law abiding, not one

having been in the courts during the past year, that they would become citizens if they could, that they are more desirable in any community than Mexicans who have the chance to become citizens and do not, and that they do not constitute a problem here in Nebraska.”

The *Tribune* concluded that while some people argued “that now is the time to take up the matter before things get any worse,” opponents replied that “California has her Japanese problem, Georgia has her negro problem, Arizona has her Mexican problem and other states have their particular race problems but none of them is Nebraska’s problem.”<sup>29</sup>

Kano’s remarks helped persuade the House Judiciary Committee to oppose the land ownership bill. The committee’s majority report called for the House to “indefinitely postpone” the bill. The full House then voted whether to kill the bill by accepting the majority report, or to advance it to the full House by accepting the minority report.

During debate on the minority report, Representative Rodman of Kimball, chairman of the House Judiciary Committee, asserted that “Nebraska should keep ‘its nose’ out of international disputes and not embarrass the already strained relations between Japan and America.” Rodman added, “[t]here are just two tracts of land owned by Japanese in Lincoln County” and “there are thousands and thousands of acres owned by foreigners who could have become citizens and didn’t. If you want to be fair in this matter and want the bill put under consideration, I demand that an amendment be inserted barring such persons as that from owning land in Nebraska.”

Representative Rodman, chair of the House Judiciary Committee, favored the majority report “because I am against the unjust discrimination of the Jap, and because I do not sanction the State’s interference with a problem that our country as a national unit is attempting to solve.”<sup>30</sup>

Representative Fred A. Hoffmeister of Chase County argued, “We’ll have to fight them sooner or later and we should begin right now to curb their influence in Nebraska and not let a big sore like Japanese influence grow in this country as the German influence did.”<sup>31</sup>

A February 8 *Omaha Daily Bee* article said that America’s “yellow peril” was thrown before the Nebraska House of Representatives “in a startling manner” with the bill’s introduction, adding that the majority report was rejected after

**Sen. Victor W. Hoagland of North Platte introduced a substitute bill to compel aliens residing in Nebraska to sell their land unless they became citizens within five years. RG2141-31-23**



the “hardest fight in the history of this session of the legislature.”<sup>32</sup> The House Journal shows that the House voted 65 to 23 (with 12 absent and not voting) to adopt the minority report.<sup>33</sup>

The *Bee* reported on February 16 that the House “passed the alien land law by a vote of 65 to 27 (with 8 members absent and not voting) after two hours of debate on February 15. This was the first of three House votes needed to advance the bill to the Senate. Prior to the debate, Representative Davis, introducer of House Roll No. 138, inserted amendments which extended the time of Japanese leases and mortgages to five years instead of two, and provided that the provisions of the bill would never challenge any treaties between the United States and foreign countries. According to the article: “[a] handful of almond-eyed Nebraska Japanese, who have been haunting legislative halls for a week, listened attentively to arguments.”<sup>34</sup>

The *Bee* also reported the arguments favoring and opposing House Roll No. 138:

#### **“Urge ‘Hands Off.’**

Representative Perkins pointed to action by the legislatures of Washington, Utah and other states in keeping their hands off a delicate international situation.

Representative Williams implored the republican legislators to refuse to embarrass the incoming administration by sanctioning a bill which on the face of it carries a def (*sic*) to the growing, ambitious nation.

Representative Rodman also implored members to ‘keep out of an international affair’ and declared that if treaties did not exist which permitted aliens of certain other countries to own land in America he would insist that all alien land owners in Nebraska be included in an amendment which would bar them from acquiring future titles to Nebraska lands.

#### **Say Menace Remote.**

Other opponents of the bill pointed to the fact that in recent years the Japanese population in Nebraska had decreased from 1,000 to 500 and a ‘yellow menace’ in this state was as remote as salvation for the Kaiser.

But Representatives Anderson, the speaker; Osterman, a democrat; Davis, author of the bill; Hoffmeister, a democrat; and numerous

republicans declared the passage of the bill would merely point out to the administration the desires of the voters.

They held that the time to nip trouble was when it was budding and not when it was blooming. They declared that Nebraska’s turning down the bill would be used as argument against barring Japanese land owning in future treaties and would not indicate sympathy for their white brothers in California where the only other bill of its kind is on the state statute book.

#### **Arguments Pro and Con.**

Bankers and business men from North Platte and other towns in Nebraska had written letters to members for and against the bill. Some declared the Japanese should be given credit for ‘making garden spots of arid lands that easy-going Americans wouldn’t touch.’ Others fought against Japanese land owners on the ground that their mode of living without silk stockings for the girl children and automobiles and other luxuries was a menace to the ‘American standard of living.’<sup>35</sup>

On February 18, 1921 House Roll No. 138 was read for a third time and passed by the House 60 to 29 (with 11 absent and not voting). The bill was then sent to begin a similar legislative process in the Senate.

After its second reading the bill was referred to the Senate Judiciary Committee on February 21.<sup>36</sup> On March 25 the *Bee* reported that the bill had been the subject of bitter debate in the Senate Judiciary Committee, which reported out the land bill without recommendation.<sup>37</sup>

On April 13, the *Bee* reported that the Senate had killed the “anti-Jap bill” by advancing to a third reading a substitute bill barring all aliens, and not just those ineligible for citizenship, from holding land longer than five years. Senator Walter V. Hoagland from North Platte, introducer of the substitute bill, stated that his bill would compel aliens residing in Nebraska and owning land to sell their land unless they became citizens within five years.<sup>38</sup>

Senator Hoagland’s substitute provided: “(Non-resident) Aliens and corporations not incorporated under the laws of the state of Nebraska are hereby prohibited from acquiring title to or taking or holding any land, or real estate, or any leasehold interest extending for a period of



**House Speaker Walter W. Anderson.** RG2411-0-136



**Gov. Samuel McKelvie signed the Alien Land bill into law on April 26, 1921.** RG2229-0-1



more than five years or any other greater interest less than fee in any land, or real estate in this state by descent, devise, purchase or otherwise, only as herein after provided....”<sup>39</sup>

Following its third reading on April 15, the Hoagland substitute passed 19 to 9.<sup>40</sup> The House, however, voted against concurring with Hoagland’s bill by 63 to 6 (with 31 absent and not voting). Speaker Walter L. Anderson appointed a conference committee to reconcile the House and Senate bills.<sup>41</sup> On April 22, the Joint Conference Committee recommended the Hoagland substitute with an amendment pertaining to corporations. The House then voted 71 to 4 (with 25 absent and not voting) to adopt the committee’s report.<sup>42</sup> The bill now went to Governor Samuel R. McKelvie, who signed it into law on April 26, 1921.<sup>43</sup>

An April 22 *Alliance Herald* article summed up the result: “The senate killed the house anti-Jap bill and adopted in its place a substitute prepared by Senator Hoagland which includes all aliens. Aliens who are eligible to citizenship have five years in which to establish their citizenship. *It is claimed that the substitute accomplishes all that was provided by the house bill in the way of keeping Japs from acquiring real estate* [emphasis added] and also applies to all citizens who fail or

refuse to become citizens. This is a feature that was frequently mentioned in the house debate.”<sup>44</sup>

It should be noted that the 1921 land law provided that aliens could purchase and acquire real estate for the purpose of erecting and maintaining manufacturing establishments and purchase real estate lying within the corporate limits of cities and towns. The law also did not apply to any real estate acquired by any alien prior to the passage and taking effect of the act, as long as such real estate remained the property of such alien.<sup>45</sup>

The current Nebraska alien land law reads: **“Aliens and foreign corporations; real estate; ownership prohibited.** Aliens and corporations not incorporated under the laws of the State of Nebraska are prohibited from acquiring title to or taking or holding any land, or real estate, or any leasehold interest extending for a period for more than five years or any other greater interest less than fee in any land, or real estate in this state by descent, devise, purchase or otherwise, except as provided in sections 76-403 to 76-405.”<sup>46</sup>

Nebraska’s alien land law has been in effect for a hundred years. It blocked Japanese immigrants from purchasing agricultural real estate in the state until the Immigration and Naturalization Act of 1952 became effective. Today Nebraska is one

**Naturalization celebration for Japanese immigrants to Lincoln County, September 8, 1953. Hiram Hisanori Kano, Hugh Y. Wada, and Richi Ugai are in the picture.** Photo by Brown Harano Studio of North Platte. Courtesy of Church of Our Savior






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of eight states that restrict the ownership of agricultural land by aliens. The others are Iowa, Minnesota, Missouri, North Dakota, Oklahoma, South Dakota, and Wisconsin.<sup>47</sup>

Immigration is currently a major issue in this country. In January 2017 President Donald Trump entered an executive order banning persons from certain countries from traveling or immigrating to the United States. Immigration from Mexico was limited. In 2020 anti-Asian hate crime began rising as many Americans blamed people of Asian ethnicity for COVID-19. History tends to repeat itself, and the author of this article believes that the 1921 alien land law is an important part of Nebraska history that should not be forgotten.

Finally, it is interesting to note that Hiram Hisanori Kano, the man who led the fight against the alien land law, and his wife, Ivy, taught immigration classes for all of the Japanese immigrants in Lincoln County and Scotts Bluff County. On September 8, 1953, twenty-four Japanese immigrants became United States citizens in a Lincoln County District Court naturalization ceremony. Hiram, a new US citizen himself, was there to celebrate with them. 

**Japanese immigrants naturalized on September 8, 1953. This photo was taken after the ceremony in the Crystal Ballroom of the Pawnee Hotel in North Platte.** Photo by Brown Harano Studio of North Platte. Courtesy of Church of Our Savior

**Front row (l-r): Sao Kamino, Tuta Kushihashi, Hana Hayashi, Chiyo Fujimoto, Matsuno Katayama, District Judge John H. Kuns, Takeyo Miyoshi, Naka Kuroki, Naoye Matsutani, Haruye Yamaki, Maki Kumagai.**

**Middle row (l-r): Ima Yanagida, Shigemi Okamoto, Hugh Yaichi Wada, Misao Wada, Hina Wada, Eijiro Hayashi, Charles J. Leth, Clerk of the Lincoln County District Court, Gijun Fujimoto, Richi Ugai, Tomokichi Kamino.**

**Back row (l-r): The Reverend Hiram Hisanori Kano, John Shiuzo Wakimoto, Gosaku Wada, James Tamejiro Wada, Takehiko Miyoshi, Chozo Kumagai.**

**Not pictured, the following Japanese immigrants residing in Lincoln County, Nebraska became US citizens soon afterward: Sosuke Kuroki and Seijiro Yamaki, February 9, 1954; Charles Toshio Yanagida and Kuni Yoneyama, August 23, 1954.**



## NOTES

- <sup>1</sup> History Nebraska Archives Record RG32, Nebraska Constitutional Conventions. Historical Note.
- <sup>2</sup> H. R. 40, Naturalization Bill, March 4, 1790.
- <sup>3</sup> H.R. 2201, 16 Stat. 254-256, Pub.L. 41-254. July 14, 1870.
- <sup>4</sup> Shiho Imai, "Gentlemen's Agreement," *Densho Encyclopedia*, Nov. 27, 2019, [https://encyclopedia.densho.org/Gentlemen's\\_Agreement/](https://encyclopedia.densho.org/Gentlemen's_Agreement/)
- <sup>5</sup> Cherstin M. Lyon, "Alien Land Laws," *Densho Encyclopedia*, Oct. 8, 2020, [https://encyclopedia.densho.org/Alien\\_land\\_laws/](https://encyclopedia.densho.org/Alien_land_laws/)
- <sup>6</sup> "A Scarcity of Women," *The North Platte Semi-Weekly Tribune*, Aug. 27, 1901, 6. See also, <https://www.familysearch.org/ark:/61903/1:1:M3YL-4N1>; <https://www.familysearch.org/ark:/61903/1:1:M3B8-V8N>; <https://www.familysearch.org/ark:/61903/1:1:M3B8-4HN>.
- <sup>7</sup> The Fifteenth Decennial Census: 1930, Reports on Population and Unemployment, Vol. III, Part 2 (Table 2-Color, Nativity, and Sex, for the State, Urban, and Rural, 1910, 1920, 1930, p. 65); The Fifteenth Decennial Census: 1930, Reports on Population and Unemployment, Vol. III, Part 2 (Table 17-Indians, Chinese, and Japanese, 1910 to 1930, and Mexicans, 1930, for Counties and for Cities of 25,000 or more, p. 97).
- <sup>8</sup> H.R. 5678, Pub.L. 82-414, 66 Stat. 163, June 27, 1952.
- <sup>9</sup> *Journal of the Nebraska Constitutional Convention*, convened in Lincoln, Dec. 2, 1919, compiled under authority of the Convention by Clyde H. Bernard, Secretary, Vol. 1, p. 262.
- <sup>10</sup> "Would Debar Aliens from Owning Land," *Alliance (NE) Herald*, Jan. 23, 1920, 6.
- <sup>11</sup> *Journal of the Nebraska Constitutional Convention*, convened in Lincoln, Dec. 2, 1919, Vol. 1, p. XC.
- <sup>12</sup> Hiram Hisanori Kano, *A History of the Japanese in Nebraska* (Crawford, NE: Cottonwood Press, 1984), 10-11.
- <sup>13</sup> *Journal of the Nebraska Constitutional Convention*, Vol. 1, pp. XC, 762.
- <sup>14</sup> *Journal of the Nebraska Constitutional Convention*, Vol. I, pp. LXIX-LXX.
- <sup>15</sup> *Journal of the Nebraska Constitutional Convention*, Vol. I, pp. LXIX-LXX, 139, 491, 1252.
- <sup>16</sup> *Journal of the Nebraska Constitutional Convention*, Vol. I, pp. 1074-1075.
- <sup>17</sup> *Alliance Herald*, Feb. 18, 1921, 5.
- <sup>18</sup> *House Journal of the Legislature of Nebraska, 40th Session*, January 4, 1921-April 28, 1921, compiled by F.P. Corrick, Chief Clerk (Lincoln: Kline Publishing Co.), 134.
- <sup>19</sup> *Id.*, p. 143.
- <sup>20</sup> House Roll 138, Nebraska House of Representatives, *House Journal of the Legislature of Nebraska, 40th Session*, 134.
- <sup>21</sup> H.R. 5678, Pub.L. 82-414, 66 Stat. 163, June 27, 1952.
- <sup>22</sup> *North Platte (NE) Semi-Weekly Tribune*, Feb. 11, 1921, 2.
- <sup>23</sup> *Alliance Herald*, Feb. 18, 1921, 2.
- <sup>24</sup> *Omaha Daily Bee*, Feb. 1, 1921, 6.
- <sup>25</sup> Kano, *A History of the Japanese in Nebraska*, 12-13.
- <sup>26</sup> Kano, *A History of the Japanese in Nebraska*, 14; *Omaha Daily Bee*, Feb. 2, 1921, 1.
- <sup>27</sup> Kano, *A History of the Japanese in Nebraska*, 14, Appendix C. The 1907 "Gentlemen's Agreement" referred to by Mr. Kano in his answer to Question No. 2 was an agreement between the United States and Japan, providing the Japanese Government would stop issuing passports to laborers bound for the United States. Passports could be issued to returning laborers and the "parents, wives and children of laborers already resident there." See Imai, "Gentlemen's Agreement."
- <sup>28</sup> *Ibid.*
- <sup>29</sup> *North Platte Semi-Weekly Tribune*, Feb. 8, 1921, 1.
- <sup>30</sup> *House Journal of the Legislature of Nebraska, 40th Session*, 457.
- <sup>31</sup> *Ibid.*
- <sup>32</sup> *Omaha Daily Bee*, Feb. 8, 1921, 1; *House Journal of the Legislature of Nebraska, 40th Session*, 456-457.
- <sup>33</sup> *Ibid.*
- <sup>34</sup> *Omaha Daily Bee*, Feb. 15, 1921, 1; *House Journal of the Legislature of Nebraska, 40th Session*, 564-566.
- <sup>35</sup> *Ibid.*
- <sup>36</sup> *House Journal of the Legislature of Nebraska, 40th Session*, 629-630; *Senate Journal of the Legislature of Nebraska, 40th Session*, January 4, 1921 – April 28, 1921, compiled by Clyde H. Barnard, Secretary (Lincoln: Kline Publishing Co.), 704, 732, 1266.
- <sup>37</sup> *Omaha Daily Bee*, March 25, 1921, 3.
- <sup>38</sup> *Omaha Daily Bee*, April 13, 1921, 5; *Senate Journal of the Legislature of Nebraska, 40th Session*, 1453-1454.
- <sup>39</sup> *Senate Journal of the Legislature of Nebraska, 40th Session*, 1453. Fee is defined as "absolute title in land"; see [dictionary.law.com](http://dictionary.law.com).
- <sup>40</sup> *Omaha Daily Bee*, April 16, 1921, 4; *Senate Journal of the Legislature of Nebraska, 40th Session*, 1548.
- <sup>41</sup> *Omaha Daily Bee*, April 17, 1921, p. 5-A; *House Journal of the Legislature of Nebraska, 40th Session*, 1579-1580, 1588.
- <sup>42</sup> *House Journal of the Legislature of Nebraska, 40th Session*, 1687-1688.

<sup>43</sup> *Omaha Daily Bee*, April 27, 1921, 3; *House Journal of the Legislature of Nebraska, 40th Session*, 1742, 1751-1752.

<sup>44</sup> *Alliance Herald*, April 22, 1921, 7.

<sup>45</sup> *Senate Journal of the Legislature of Nebraska, 40th Session*, 1454.

<sup>46</sup> Neb.Rev.Stat. §76-402.

<sup>47</sup> David J. Aiken, *Nebraska Restrictions on Foreign Land Ownership (2012)*. Cornhusker Economics. 572, University of Nebraska–Lincoln Extension, Department of Agricultural Economics, Feb. 22, 2012, <https://digitalcommons.unl.edu>.