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A Legacy of Justice

The story of Takuji Yamashita is one of remarkable courage in the face of countless obstacles, yet it came close to being lost forever save for a recent effort to rediscover this civil rights activist's legacy. What his family members and historians working with the University of Washington School of Law found was a tale of perseverance and an immigrant's belief in the equality promised by America in the face of deep-seated discrimination. Even at the end of a life filled with immense tragedy, Yamashita retained that belief; his eventual vindication points to his own determination as well as to the enduring spirit of American justice.

Takuji Yamashita was born in 1874 in the small town of Yawatahama, Japan and in 1893 he immigrated to Tacoma, in order to, as he told his parents, bring them honor and "work for the public good" (McCormick). And honor them he did. Yamashita breezed through high school in only two years and eventually graduated from the University of Washington School of Law in 1902; his passage of the oral bar exam a week later was called "highly creditable" by the Seattle Times (Cook). Despite prevailing anti-Japanese sentiment across the country, it seemed as if Yamashita had avoided any of its negative consequences and achieved the American dream.

But one technicality stood in his way. US citizenship was required to be admitted to the bar, and Yamashita had gotten his naturalization certificate just before graduating. But the Naturalization Acts of 1790 and 1870 limited naturalization only to free whites and those of African descent, respectively, while the Chinese Exclusion Act of 1882 barred Chinese immigrants from becoming citizens. The status of those of Japanese ancestry applying for citizenship was thus unclear in the eyes the Washington Supreme Court, the body responsible for

admitting applicants to the bar. The court chose to put off a decision on Yamashita's application and instead issued an order expressing "doubt whether a native of Japan is entitled under the naturalization laws to admission to citizenship" (Chin 106).

Fresh out of law school and ready to start a promising career, Takuji Yamashita now faced a huge obstacle to achieving his goal in the form of Washington's highest court. With his advanced degree, it was likely he could have chosen to pursue another profession that did not require citizenship without too much difficulty. But after being taught that "the law was rational, just and fair," as author Jack Chin put it, "[Yamashita] believed it" (Cook). His strong conviction made it clear that he was not going to give in to injustice regardless of personal or professional risk, and so, at the age of twenty-seven, Yamashita filed a brief in the Washington Supreme Court arguing that he was a citizen and had the right to practice law. His argument contained several well-observed technical points, including examples from other states (many did not require citizenship to be admitted to the bar) as well as historical context (Congress could not have meant to exclude Asians from citizenship in 1790 because there were none in North America) (Chin 106, Goldsmith 28).

But far more important to Yamashita's legacy was his appeal to the values of justice and equal opportunity that he believed America, in his eye "the most enlightened and liberty-loving nation of them all," was founded on (Goldsmith 28). Although his argument is clearly the correct one to modern observers, it was not always so in the opinion of the court. In fact, by appealing to values that had historically not been applied equally to all races, and considering the public's fierce anti-Asian sentiment at the time, his was the opposite of a winning argument. Yet rather than renounce his beliefs, even after the state's lawyers ridiculed them as "worn out Star Spangled Banner orations," Yamashita remained unapologetically committed to the values of his

country, forcefully telling the court that he knew of “no tribunal to which an argument based upon the Declaration of Independence and the spirit of American institutions could be more appropriately addressed” (Goldsmith 28). Yamashita demonstrated astounding courage as he placed his complete trust in the principles of a country he had called home for less than ten years and, what is more, did so when the authorities entrusted to defend those principles were more swayed by racism than justice.

Unsurprisingly, the court ruled that Yamashita, as a person of Japanese descent, could not be naturalized and therefore could not be admitted to the bar. His legal career cut short before it began, he had no choice but to pursue another path. Yamashita became a businessman in the Seattle area and opened the Togo Hotel in Bremerton, where he and his wife Ito raised their family. But even in business he faced barriers, namely an 1899 law that prevented the “sale of land to any aliens ineligible for citizenship;” effectively, all Asian immigrants (Goldsmith 28). Already having to call themselves “managers” of their own businesses that were owned on paper by their American children or white allies, Asian immigrants were further discriminated against when Washington passed the Alien Land Law in 1921 prohibiting them from renting land or renewing old leases. It was then that Yamashita chose to once again defy racism by challenging that legislation in the very courts that had failed him twenty years prior.

The Alien Land Law prohibited aliens from owning land but included no such bans on corporations. Yamashita therefore decided to establish the Japanese Real Estate Holding Company and apply for articles of incorporation, but was rejected on the basis that only citizens could incorporate companies. This time, Yamashita’s case went all the way to the Supreme Court, where he had the help of prominent New York lawyer George Wickersham to argue many of the same points he did in 1902, with Wickersham adding that equal opportunity was “the

highest ideal of Americanism" (Goldsmith 29). Washington's attorney general vigorously defended the state's race-based policies by claiming that "the Japanese will never be assimilated in this country" and that granting legal equality to "a race not so capable, simply intensifies the problem" (Chin 111). Once again, the decision was the same: Japanese immigrants could not be naturalized. The court ruled unanimously and even cited the Washington Supreme Court's decision in 1902 to refuse Yamashita admittance to the bar as legal precedent. To a casual observer, this decision would seem inevitable and calls into question Yamashita's judgment. Did he not expect this outcome, given his previous case? If so, why bother to go to court again? Such lines of questioning are to be expected, but they miss the mark in terms of analyzing why Takuji Yamashita took legal action. He believed in American justice to the point of stubbornness, and remained an idealist who always had hope that the values of the legal system would find their way into its rulings. Reflecting on Yamashita's legacy, Seattle Municipal Court Judge Ron Mamiya remarked that his actions were "kind of a haiku of how he loved the law. Yamashita knew that everything was stacked against him, and yet he took his principles to court – twice" (Paton).

After the Supreme Court case, Yamashita returned to his home in Bremerton and continued to run his businesses with Ito and their children. The Togo Hotel was lost when a Navy shipyard expansion took the land it was on, but undeterred, Yamashita bought the nearby Rainier Hotel, running it along with a café and a strawberry and oyster farming operation. The Yamashitas gained the reputation as a hardworking and happy family despite the tremendous personal loss of four out of their five children dying before the age of twenty. With just Ito and his daughter Martha left, Yamashita settled into a busy routine. He "never complained" and was

“never bitter” about what had happened to him in the past, according to neighbor Fred Ohno; in fact, he never even mentioned he was a lawyer (Goldsmith 29).

Unfortunately for Yamashita and his family, their happiness was not a lasting one. Pearl Harbor was bombed in December of 1941, and the next summer the family was forced into an internment camp along with thousands of others of Japanese descent. The Yamashitas spent three years in internment, and, unable to pay their bills during that time, lost everything they owned, including their businesses and the new home they had just built. After the war, Yamashita worked as a housekeeper for a widow, and after Martha died in 1957, he and Ito moved back to Japan. Takuji Yamashita died in 1959 at the age of eighty-four, with almost no record of his legacy in either the US or Japan.

It was only after a recent effort that his activism has been rediscovered. It started when Yamashita’s great-grandson moved to the United States, where he began researching his ancestor’s story. The UW School of Law also had its upcoming centennial and wanted to recognize Yamashita, so it hired author Steven Goldsmith to look into his story. After the extraordinary saga was unearthed, then law school Dean Roland Hjorth asked the Washington Supreme Court to posthumously admit Yamashita to the bar, ninety-nine years after he had passed it. The court did so in a ceremony in Tacoma in March of 2001, attended with great fanfare by members of Yamashita’s extended family and by faculty and students of UW Law.

Even with this posthumous recognition, there is a fair case that Yamashita’s story is still one of disappointment and the betrayal of the American dream. But dismissing his decades-long struggle as such would dishonor Yamashita’s legacy as a civil rights activist and the principles he believed in. Although not successful in challenging injustice in his lifetime, history has vindicated him and those who followed in his footsteps; the laws he challenged are long

repealed, and equal treatment under the law now exists in across the US. Unfortunately, Yamashita was ahead of his time and these changes took place after his death, yet it can be tempting to imagine the great things he could have accomplished had the laws been different for him. But they were not, and Yamashita was forced to fight for what he knew was right in all times against the injustices of his time. Yamashita demonstrated that true civic courage must respond to current inequalities using the enduring ideals of democracy, justice, and freedom the United States was founded on. Likewise, we as a society cannot simply hope or dream of a time when there will be no inequities; instead, we must dedicate our efforts to correcting them in the present without regard to societal inertia or the precedents standing in our way.

In American society today, there is clearly still work to be done on the issues of racism, discrimination, and lack of diversity, but Takuji Yamashita's story proves that American justice will ultimately triumph and that healing and forgiveness is possible. Yamashita's family and the Asian Bar Association of Washington have both established scholarships in his name, and UW Law now has an annual diversity week and has committed to diversity as an important part of its mission, recognizing its past failures while vowing to pursue "diversity and inclusion purposefully and rigorously" (UW School of Law). The relevance of Takuji Yamashita's story is unmistakable. In a time where it seems like fear and divisiveness are running rampant, it reminds us of the very real consequences those sentiments can have. More importantly, his legacy teaches us that the fight for justice is an ongoing one. When Yamashita returned to Japan, one of the only keepsakes from the US he brought with him was his law degree. It hung framed on his wall until his death, a testament to his unending belief in equality under the law. My hope is that we will continue to honor and advance the legacy of one of UW's "most courageous graduates" (Verhovek).

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