

OBSTACLES STANDING SQUARELY IN THE ROAD

The Foreign Language Schools Controversy in Hawai'i

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In 1868, the first group of Japanese immigrant laborers arrived in Hawai'i. By 1882, Japanese language schools were established "aimed to produce good Japanese citizens of the pupils . . . by teaching them not only the Japanese language but also the essence of Japanese citizenship."¹ It was clear that as long as the Japanese, as well as other Asian immigrants in the Islands, were treated as legal and social aliens, the possibility of eventual return to their cultural homeland made the existence of foreign language schools in Hawai'i tolerable to the ruling white elite. With the annexation of Hawai'i to the United States in 1898, the complexion of such tolerance began to change. By 1914, the language schools were firmly established, extending to all the major islands. The *Kyoiki Kai*—Hawai'i Educational Association—was established in that year for the purpose of formulating educational policy for the language schools. One of its most important tasks was the revision of language school materials to suit changing local conditions precipitated by the change in the political status of the Islands and by public anxiety over the nationalistic content of the imported school books.

The issue of Americanization of Hawai'i's Asian immigrant population arose in the wake of World War I as the result of two fundamental concerns. First, public antipathy to foreign institutions made the foreign language schools a convenient target for ethnocentric Americans. Second, the Hawai'i-born generation of Asians—particularly Japanese—became automatic citizens as a matter of constitutional right. As such, they would, in time, be eligible to vote and hold public office. Concerns—real and imagined—over the possibility of "hyphenated allegiance" began to increase with alarm and alacrity among the ruling elite. Education as a primary issue in territorial politics formed the background for the foreign language schools controversy. In 1916, the Hawai'i College Club—an organization of elite, white, female college graduates—addressed a stridently worded letter to Governor Lucius Pinkham; superintendent of public instruction Henry Kinney, and the Board of Commissioners for Public Instruction criticizing the "narrow policy" of giving preference to the graduates of the Territorial Normal School for teaching positions in the public school system. As part of its justification for a policy change, the Club stated that the

"Americanization of the foreign immigrant" had become a "nation-wide problem" and that the existing policy towards "American teachers from the mainland" in tandem with the insular nature of the Territory was limiting the "contact of alien elements with the American spirit."² The Club, moreover, corresponded with the United States Commissioner of Education, expressing their dissatisfaction with the alleged inferiority of the public schools. Pinkham, indignant over the possibility of federal intrusion into Territorial affairs, responded to the Club that "our local teachers and Normal School graduates know the race situation and problems better than strangers."³ Though the controversy was initially precipitated over the general quality of Island education and policy, it began to exercise a disquieting effect on the latent anxieties and tension which existed in local society which would be revealed in the course of the succeeding decade.

In January 1919, attorney Albert F. Judd outlined a proposal for legislative regulation of the foreign language schools. Briefly, the proposed legislation required that no

person would be permitted to conduct or teach in a foreign language school without written authorization from the Department of Public Instruction, DPI. Such permission could not be granted unless the applicant was "possessed by the ideals of democracy, knowledge of American history and institutions and knows how to read, write, and speak the English language."⁴ In addition, Judd proposed that the session hours of the foreign language schools be restricted and subordinated to that of the public schools. Since a vast number of the Japanese language school teachers were Japan-born, the effect of such legislation would be to eliminate the schools altogether. Though there was considerable alarm in the Japanese community over the Judd proposal and other subsequent bills, the *Kyoiki Kai* reacted with considerable restraint, recommending that perhaps the content of the language texts should be further revised in order to allay public apathy. Strong community action by the Japanese educators led to the defeat of such proposals. The legislature, however, enacted legislation authorizing an investigation by the US Commissioner of Education into the state of public education in Hawai'i. The Federal Survey Commission, headed by Frank F. Bunker, focused on three major points: (1) the effect on the health of the children in foreign language schools, (2) the influence on progress in the public schools, and (3) the influence on loyalty to America. Commission data on the first two points were drawn, essentially, from responses—considerably adverse—from public school educators. The question of loyalty, perhaps the centerpiece issue, was addressed from a lengthy commission inquiry into the subject matter of the language materials themselves, which indicated, in the commission's opinion, a great deal of Japanese nationalism. Comments were solicited from the Aloha

Chapter of the Daughters of the American Revolution, the Ad Club, and the Chamber of Commerce—all white, elite associations. The DAR response noted:

... the experiences of the recent war have convinced us that as a Nation we have too long harbored within our borders societies and institutions which tend to continue the spirit, customs, ideals, and languages of the foreign lands from which their members came, instead of fostering and developing Americanism; and ... we believe that the penalty that our Nation paid during that war for its laxity—the appalling embarrassment to its work, the staggering property damage, and the irreparable loss in splendidly many lives—was too costly for us to have it repeated, and believe in the light of previous experience that foreign-language schools are not only unnecessary, but a menace to the unity and safety of our Nation and the peace and prosperity of our people. . . .⁵

The comments of the Honolulu Chamber of Commerce was more tempered, but recommended that "all private schools should be under the inspection and supervision of public authority." The organization noted that such supervision should be such as to make it "impossible for any person to serve as a teacher of youth who does not possess ideals of democracy and a knowledge of American history and methods of government and of the English language. . . . The common basis of a common tongue is vital to the future of this self-governing Territory of the United States."⁶ Similarly, the Ad Club of Honolulu strongly suggested that the language schools should be placed under public supervision, which should adopt the policy of "the gradual elimination of the language

schools as rapidly as may be wise and expedient through the development of an enlarged public-school curriculum and lengthened school day." The association emphasized that:

- All children born here are American citizens and must be fully prepared for the duties of citizenship;
- Failure to properly prepare them will certainly block the attainment of statehood and will probably result in a loss of self-government in the Territory;
- A most unfavorable reaction in the opinion of the world will come upon any nation whose representatives in Hawaii show themselves to be incapable of cooperating heartily with a thoroughgoing program of Americanization.⁷

With such comments in hand, the commission rendered its final recommendations unfavorable to the existence of the foreign language schools.

... the commission is convinced that the language schools, which in the aggregate outnumber the public schools of the Territory, are centers of an influence which, if not distinctly anti-American, is certainly un-American. Because of these schools children born here of foreign parents, soon to become the voters of this Commonwealth, soon to play a prominent part in the affairs of the Territory, being retarded in accepting American customs, manners, ideals, principles, and standards. Instead of supplementing other agencies at work in the islands, which are earnestly seeking to prepare these children to meet the duties and responsibilities of citizenship in America, these schools in their influence are obstacles standing squarely in the road.

Although the commission recognizes the inherent right of every person in the United States to adopt any form of

religious worship which he desires, nevertheless it holds that the principle of religious freedom to which our country is unswervingly committed does not demand that practices and activities must be tolerated in the name of religion which make the task of training for the duties and responsibilities of American citizenship a well-nigh hopeless one. The commission, therefore, feels no hesitancy in recommending as a first and important step in clearing away the obstacles from the path of the Territorial public-school system that all-foreign language schools be abolished.⁸

Reacting to the commission report, the Territory attorney general drafted a legislative proposal which would regulate the foreign language schools by vesting supervisory authority in the DPI. A special session of the legislature was convened by Governor Charles J. McCarthy for the purpose of considering legislative items, not the least of which was the proposal to regulate the foreign language schools. The draft was essentially the same as what was contained in the Judd proposal, but fell short of following the commission's recommendations.⁹ The draft emphasized that the legislative intent of the proposal was to "regulate and not prohibit the conducting of foreign language schools and the teaching of foreign languages" and the provisions concerning required knowledge of the English language was to be construed liberally.¹⁰

In response to the gravity of the legislative proposal, Lorrin Thurston tendered an alternative. In a lengthy address to the prominent Social Science Association, the influential attorney opined that the growing controversy was not essentially anti-Japanese, but a nativistic response in the aftermath of the recent war aggravated by a divisive plantation strike earlier in the year. Thurston praised the contributions of the Japanese to island development,

much of which he felt could not have been accomplished without their help. He suggested further that the succeeding generation of Hawai'i-born Japanese would eventually hold the "balance of power, if not the control of the electorate" in Hawai'i. Correspondingly, instead of trying to "Americanize our young fellow citizens with a club," the "regulation method" should be attempted instead with the cooperation of the Japanese themselves. Thurston elaborated:

The Japanese are ambitious. As children come to maturity, they will naturally want to take a share in the public life of the community, commensurate with their growing numbers, and they will want representation among the leadership; but it is certain that in order to take such a part, it is absolutely necessary that they be well grounded in the English language, know the history and methods of procedure in connection with American government and legislation and be in touch with the spirit and ideas of the community.¹¹

Thurston, with considerable assurance, felt that time alone would diminish the nationalistic inclinations of the island-born Japanese who would inevitably place greater importance and value to present-day concerns. Consequently, harsh attempts to subordinate the language schools to the public education system with criminal penalties was neither prudent nor desirable. Based on the assumption that there was nothing in the history of island relations with the Japanese that would make them "so inherently Oriental" that they would not become loyal American citizens in time, legislation should be a mild-tempered "peaceful propaganda" which would eventually eliminate the

foreign language schools in "natural course." To that effect, Thurston proposed that the proper focus of legislation should be to require a re-orientation of school materials and instruction in Anglo-American history without the use of criminal sanctions and without the exercise of supervisory authority by the DPI.¹²

The government's version of legislation prevailed, and soon the DPI drafted its rules and regulations under the legislative authority of Act 30. As part of its policymaking functions, the Commissioners of Public Instruction indicated that:

1. The great majority of Hawai'i-born children of alien parents enter the public schools deficient in, or wholly ignorant of English, and the work of the public schools in teaching these children English and other subjects is greatly hampered by their attendance at alien language schools.
2. The requiring of children of tender years to devote additional time in the school room to academic studies after the prescribed public school hours is detrimental to the health of the children.
3. It is recognized that the language of these children, as good American citizens, must be English, and the learning of any alien language is of secondary importance to them.¹³

In pursuit of such policy statements, the DPI issued the regulation that the courses of study in the foreign language schools shall be based on the principle that every pupil shall have first completed the first and second grades in the public school system. Though it seemed that the Japanese community as a whole was willing to comply with Act 30, the DPI regulation had the restrictive effect of eliminating approximately one-third of the enrollment in the Japanese language schools, and thus would in effect seriously threaten the continued viability of the schools themselves.¹⁴

Consequently, it was decided to challenge the constitutionality of Act 30 and corollary DPI regulations. A suit was filed in federal district court on June 13, 1925.¹⁵ After arguments were heard, a temporary injunction was issued against the Territory, permitting the schools to remain open and suspending enforcement of the prohibitive provisions of the challenged legislation. An appeal was filed with the United States Court of Appeals for the Ninth Circuit seeking to dissolve the injunction. In its opening brief to the court, the Territory argued at length upon the policy considerations underlying Act 30 and subsequently enacted regulations:

One of the most striking features of the population of Hawai'i has long been its extremely mixed character in respect of varieties of races and crosses between races but quite as striking has been the extraordinary degrees to which such races have dwelt and dealt with each other in amity and cooperation and to which there has been an absence of racial antagonisms. While American ideals have long been conspicuously dominant and the assimilability of such ideals by other races in general has been marked, there have nevertheless arisen serious questions which have long been the subject of earnest thought and discussion. These questions have gradually centered mainly upon the Japanese element in the population owing to its great increase in numbers absolutely and relatively, its rapid and extensive change from foreign-born to native-born . . . the tendency of the foreign-born teachers in these schools to teach the pupils to look to Japan as their country, to the Emperor of Japan as their sovereign and to the Japanese language as their language, and especially as under Japanese law the children, though born in America, were deemed to be Japanese citizens while by American law they

were American citizens. . . . It is sufficient that teachers of American citizens . . . should know . . . the elements of the history, institutions, ideals of language of the country which they are teaching in and which their pupils are citizens.¹⁶

J.B. Poindexter, attorney for the teachers and language schools, argued additional policy considerations in favor of the language schools.

There is no race of people in Hawai'i more anxious for the welfare of their children than the Japanese. They not only send their children to the grade schools but avail themselves of the opportunities for higher education and our high schools and university are largely attended by pupils of the Japanese race.

When these people graduate from high school and university, they naturally look around for "white collar jobs," and there is not sufficient employment of that kind to go around. It is, therefore, a matter of vital importance that these children educated in English should have the additional opportunity for success in life afforded them by a knowledge of the Japanese language. A person knowing English and also knowing (the) Japanese or Chinese language has a tremendous advantage especially in countries of the Pacific. . . .¹⁷

In rendering its decision, the court considered the policy questions in conjunction with issues of law. It noted:

It is the declared object of the act to fully and effectively regulate the conducting of the foreign language schools and the teaching of foreign languages, in order that the Americanism of the pupils may be prompted. . . .

It only remains to consider then, whether the legislation can be upheld and sustained as a proper exercise of the police power of the territory. . . .

Comprehensive and all-pervading as the police power is, there are certain rights and certain relations beyond its scope. One of these is the right of a parent to educate his own child in his own way, at least beyond the requirements of the local law. . . . in a school conducted primarily for the teaching of a foreign language, the pupils must take a course in Americanism—a course not required of any other class of citizens or students. We feel quite safe in saying that, if such a system of regulations were enforced by one of our American commonwealths against an American college in which foreign languages are taught, it would shock the conscience of mankind.

An attempt is made to justify the act, however, because of the peculiar conditions prevalent in the Islands. They have a large Japanese population there, and it is said that within the next 15 years a majority of the electorate will be American citizens of Japanese extraction. It is further said that the Japanese do not readily assimilate with other races; that they still adhere to their own ideals and customs, and are still loyal to their emperor. It is a matter of common knowledge that the Japanese do not readily assimilate with other races, and especially with the white race. This is in part a matter of choice and in part a matter of necessity, because one cannot assimilate alone. No doubt the Japanese tongue will be spoken on [sic] the Islands for generations yet to come, and no doubt the Japanese will be slow to give up their customs and their ideals; but we took the Islands *cum onere*, and extended the Constitution of the United States there, and every American citizen has a right to invoke its protection. For these reasons, we are of the opinion

that the act in question, in both spirit and purpose, abridges the privileges and immunities of citizens of the United States, and deprives them of liberty and property without due process of law.¹⁸

The Territory then appealed to the United States Supreme Court for review of the circuit court's decision, which was subsequently granted. After a review of Act 30, the Supreme Court affirmed the decree of the lower appellate court. Justice McReynolds, writing the Court's opinion, was concerned with the intrusive nature of the legislation.

... the measures adopted thereunder go far beyond mere regulation of privately-supported schools where children obtain instruction deemed valuable by their parents and which is not obviously in conflict with any public interest. They give affirmative direction concerning the intimate and essential details of such schools, intrust their control to public officers, and deny both owners and patrons reasonable choice and discretion in respect of teachers, curriculum and text-books. Enforcement of the Act probably would destroy most, if not all, of them; and, certainly, it would deprive parents of fair opportunity to procure for their children instruction which they think important and we cannot say is harmful. The Japanese parent has the right to direct the education of his own child without unreasonable restrictions; the Constitution protects him as well as those who speak another tongue.

Apparently all are parts of a deliberate plan to bring foreign language schools under a strict government control for which the record discloses no adequate reason. Here, the enactment has been defended as a whole.

We of course appreciate the grave problems incident to the large alien population of the Hawaiian Islands. These should be given due weight whenever

the validity of any government regulation of private schools is under consideration; but the limitations of the Constitution must not be transcended.¹⁹

The decision of the Supreme Court settled the controversy until the exigencies of World War II precipitated a voluntary closing of the Japanese language schools.

The foreign language schools controversy represents a particular episode in the history of education in Hawai'i. The process of Americanization had become a primary concern of the minority white elite. Such concerns were prompted by ongoing concern over the dubious political status of Hawai'i as an American territory. Even the faint possibility of adverse reaction of Congress and other federal officials over the Islands' Asian population invoked a nativistic strain in some of the white residents. Just as important was the change in attitudes of the white elite toward the island-born Japanese. Previously, the immigrant population was easily controlled by differences in citizenship and social standing. The realities of demographic changes were clearly making an impression upon the ruling elite, indicating a time when inter-ethnic relations could be affected by changes in citizenship. Consequently, Americanization, forced or otherwise, was seen as a means of minimizing the inevitable challenge to the ruling white elite, a process which failed to meet the constitutional standards imposed by fundamental American law.²⁰

Footnotes

¹Onishi, Katsumi. "A Study of the Attitudes of the Japanese in Hawai'i Towards the Japanese Language Schools," master's thesis, University of Hawai'i, 1943, p. 14.

²Stueber, Ralph K. "Hawai'i: A Case Study in Development Education, 1778-1960," doctoral dissertation, University of Wisconsin, 1964, pp. 226-227.

³*Ibid.*, p. 232.

⁴Act 30, Session Laws of Hawai'i (S.L.H.) 1920.

⁵The Commissioner of Education. *A Survey of Education in Hawai'i*, Bulletin No. 16, Department of the Interior, 1920, p. 135.

⁶*Ibid.*, p. 136.

⁷*Ibid.*, p. 137.

⁸*Ibid.*, p. 134.

⁹A foreign language school was legislatively defined as "any school which is conducted in any language other than the English language or Hawaiian language, except Sabbath schools."

¹⁰Act 30, Session Laws of Hawai'i (S.L.H.) 1920, Sec. 4.

¹¹Thurston, Lorin A. "The Foreign Language School Question," reprinted in the *Pacific Commercial Advertiser*, November 10-14, 1920.

¹²*Ibid.*

¹³*Ibid.*

¹⁴Brieske, Phillip Richard. "The Study of the Development of Public Elementary and Secondary Education in the Territory of Hawai'i," doctoral dissertation, University of Washington, 1961, p. 318.

¹⁵The controversy was originally commenced in the territorial courts. Due to subsequent legislative amendments designed to minimize the nugatory effects of judicial review, no dispositive action was accomplished. In view of this and subsequent United States Supreme Court decisions favorable to the foreign language schools, the federal judiciary seemed to be a more favorable forum for the case.

¹⁶Brief for the Appellants, October 1925, United States Court of Appeals for the Ninth Circuit, pp. 1-2, 109.

¹⁷Brief for the Appellees, October 1925, United States Court of Appeals for the Ninth Circuit, p. 1.

¹⁸*Farrington v. Tokushige*, 11 F.2d 710, 711, 713-714 (9th Cir. 1926)

¹⁹*Farrington v. Tokushige*, 273 US 284, 298 (1926)

²⁰See generally John N. Hawkins, "Politics, Education, and Language Policy: The Case of Japanese Language Schools in Hawai'i," in *Amerasia*, 5:1, 39-56, 1978.

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