

DON C. D. MOORE
REPRESENTATIVE, BONNER COUNTY
HOME ADDRESS:
SANDPOINT, IDAHO

State of Idaho

HOUSE OF REPRESENTATIVES

TWENTY-SIXTH SESSION

~~BOISE~~

Sandpoint, May 17, 1942

COMMITTEES:
EDUCATION AND
EDUCATIONAL
INSTITUTIONS
FORESTRY
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REVENUE AND
TAXATION

*copy mailed
5/19/42*

Hon. Harrison C. Dale,
President University of Idaho,
Moscow, Idaho.

Dear Sir:

I note, in your reply to my query about the policy of the University in respect to the refusal of admission of native-born Japanese to the University, that you attach much importance to the point of their being "out-of-state." I am sorry that I am unable to give it the importance that you seem to.

While it might, perhaps, fall within the authority of the University management to exclude ALL out-of-state students without regard to racial origin, there is no doubt in my mind that when, in admitting students, you exclude any group or class upon a basis of race or color, you are going contrary to the express provision of the Constitution, which all State officials take an oath to uphold.

If any students are denied admission because of a bar based upon race or color, set up by officials upon their own responsibility, the resulting student-body would, beyond all question, be made up, partially at least, of students selected by a race or color classification, and both the spirit and letter of the Constitution would be violated. It seems unfortunate that the State institution which should be governed by the highest ideals and the completest freedom from intolerance and bigotry, should be the first to succumb.

It appears to me that if your contention that the Board of Regents or University management can draw any line they choose with respect to admitting out-of-state students, they are claiming, in substance, that while they run the educational properties maintained by the state, in certain parts of the educational domain they are not bound by the Constitution at all, but can use the State's equipment as they wish. I beg, therefore, to dissent that there is any such authority granted by the State's fundamental law.

There is not only the provision of our State Constitution, but there is also the provision of the Federal Constitution, in the Fourteenth Amendment, which declares that "No State shall deny to any person within its jurisdiction the equal protection of its laws."

The word "person" means everyone, citizen or not; and "jurisdiction" comes into force when one crosses the State borders, and, as California found with her "anti-Okie" law, a State cannot stop persons from moving into or out of its domain, if there are no lawful charges against them. No State has lawful authority to say, "This person, or that, is from without our borders, and therefore has no rights we are bound to respect."

Bearing in mind the preceding, one can imagine rather interesting possibilities: Any native-born or naturalized person may, if he or she be 21 years of age, come into Idaho now and can, before the first of next January, become a full-fledged elector, which is presumed to be the highest privilege of the citizen, and vote, if occasion offers, for national, state, county or city officials. Yet, I judge, from ~~the~~ what seems to be the policy of our State University, they ~~would~~ ^{might} find themselves barred by that institution.

Governor Lehman, of New York State, in signing two bills recently passed by

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the legislature, made a statement that seems to me as worthy of a state that is great not only in numbers and wealth but also in moral responsibility, as anything I have heard. The statement opened with these lines:

"I am happy to sign these bills. They are further proof of the policy of this state to protect the civil rights of minorities; to prohibit discrimination and punish bigotry and intolerance. Sons, and daughters of American citizens of foreign birth and of every race, color and creed are serving with devotion and distinction in every branch of the armed forces of our country. They fight the axis and die in combat that we may enjoy the blessings of liberty."

I take my hat off to the governor of New York, but I am afraid that if I were to meet a New Yorker I might have to apologize for Idaho.

I have secured copies of the Argonaut containing the communications signed by "K.C." I do not know who "K.C." is, but I agree with the position he takes in this matter of the Japanese students. It seems to me that the university's part, and the city's part in relation to those "roughnecks," whoever they were, reflects no credit upon either. I hardly think they represent the best thought of the people of the state. But, so far as reflected in the printed stories, the student ~~force~~ ^{body} and at least a part of the teaching force, in contrast, did themselves credit.

I remain,

Very truly yours,

Don C. D. Moore
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