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Recommended Citation

Jean Stefancic, *Terrace v. Thompson and the Legacy of Manifest Destiny*, (2014).

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12 NEVADA LAW JOURNAL 532 (2012)

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TERRACE V. THOMPSON AND THE LEGACY OF MANIFEST DESTINY

Jean Stefancic*

The first of a number of state anti-alien land law cases to reach the U.S. Supreme Court,¹ *Terrace v. Thompson*² affirmed that Japanese farmers in the state of Washington could not own agricultural land because they could not “in good faith” declare “their intention to become citizens of the United States.”³

On a first reading, the *Terrace* case does not seem like one of manifest destiny.⁴ Yet, earlier in Washington’s history, a dispute had occurred over property rights of the indigenous people in the Washington Territory, which foreshadowed later antagonistic relations between white settlers and Japanese immigrants, which eventually led to *Terrace*.

I argue that both events illustrate the interplay of manifest destiny—the notion that newly discovered land belonged in the hands of white settlers—and its close cousin, nativism,⁵ which still plays a role in current discriminatory treatment of undocumented aliens. Part I examines the early development and role of manifest destiny in U.S. history. Part II describes the dispute over the Medicine Creek treaty between the Nisqually tribe and Washington territorial governor Isaac A. Stevens regarding land ownership. Part III reviews the background and facts of *Terrace*. Part IV addresses the current treatment of undocumented immigrant workers in Washington state today in light of its past

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¹ See Keith Aoki, *No Right to Own?: The Early Twentieth-Century “Alien Land Laws” as a Prelude to Internment*, 40 B.C. L. REV. 37, 60 n.61; 19 B.C. THIRD WORLD L.J. 37, 60 n.61 (1998) (discussing role of alien land laws in paving the way for internment of Japanese Americans during World War II).

² *Terrace v. Thompson*, 263 U.S. 197 (1923).

³ *Id.* at 212 n.1. These phrases applied to those who could not attain citizenship by naturalization because they were not “free white persons.” *Id.* at 220. See *infra* note 90 and accompanying text. For the various iterations of this law in the state of Washington, see WASH. CONST., art. II, § 33 (repealed 1966); Act of Mar. 8, 1921, ch. 50, §§ 1–10, 1921 Wash. Laws 156 (repealed 1967); Act of Mar. 10, 1923, ch. 70, §§ 1–2, 1923 Wash. Laws 220 (repealed 1967); Act of Mar. 19, 1937, ch. 220, § 1, 1937 Wash. Laws 1092 (repealed 1967).

⁴ On the role of manifest destiny in the development of the American West, see generally REGINALD HORSMAN, *RACE AND MANIFEST DESTINY: THE ORIGINS OF AMERICAN ANGLO-SAXONISM* (1981).

⁵ Nativism means “intense opposition to an internal minority on the grounds of its foreign (i.e. ‘un-American’) connections.” JOHN HIGHAM, *STRANGERS IN THE LAND: PATTERNS OF AMERICAN NATIVISM 1860–1925*, at 4 (2d ed. 1988); see also IMMIGRANTS OUT!: *THE NEW NATIVISM AND THE ANTI-IMMIGRANT IMPULSE IN THE UNITED STATES 1* (Juan F. Perea ed., 1997) (observing that “[d]uring nativist times in the United States, democratic processes are turned against internal minorities . . . resulting in discriminatory legislation and immigration restrictions.”).