

AMENDED IN ASSEMBLY APRIL 30, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**Assembly Concurrent Resolution**

**No. 42**

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**Introduced by Assembly Members Fong and Hill Member Fong  
(Coauthor: Assembly Member Jones)**

February 27, 2009

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Assembly Concurrent Resolution No. 42—Relative to ~~homelessness~~  
*Chinese Americans in California.*

LEGISLATIVE COUNSEL'S DIGEST

ACR 42, as amended, Fong. ~~Joint Committee on Homelessness~~  
*Chinese Americans* in California.

*This measure would acknowledge the history of the Chinese in California, recognize the contributions made to the State of California by Chinese Americans and Chinese immigrants, and express regret for past discriminatory laws and constitutional provisions which resulted in the persecution of Chinese living in California.*

~~This measure would establish the Joint Committee on Homelessness in California, to study and investigate issues relating to homelessness, which would consist of 5 Assembly Members appointed by the Speaker of the Assembly and 5 Senators appointed by the Senate Committee on Rules. The measure would prescribe the duties and powers of the committee, and would authorize the committee to act until November 30, 2010.~~

Fiscal committee: no.

1     *WHEREAS, The California gold rush triggered one of the largest*  
2     *mass migrations in world history that captured global imagination*  
3     *as the destination for wealth and opportunity. That global*

1 *migration made California one of the world's most diverse states*  
2 *which would serve as the foundation for its economic, academic,*  
3 *and cultural growth in the 20th century; and*

4 *WHEREAS, The California gold rush paved the way in funding*  
5 *and manpower for the creation and building of the western leg of*  
6 *the transcontinental railroad. The transcontinental railroad was*  
7 *considered the greatest American technological feat of the 19th*  
8 *century, was a dream of Abraham Lincoln's, and was what many*  
9 *considered the most important aspect in strengthening the position*  
10 *of the United States in the international spotlight. The track served*  
11 *as a vital link for trade, commerce, and travel by joining east and*  
12 *west, further transforming the population and economy of*  
13 *California; and*

14 *WHEREAS, The Central Pacific portion of the transcontinental*  
15 *railroad recruited the Chinese in America and later tens of*  
16 *thousands of Chinese immigrants as a source of labor. Chinese in*  
17 *America and Chinese immigrants were paid less than their white*  
18 *counterparts and slept in tents while white laborers were provided*  
19 *both food and shelter. The Chinese laborers worked under grueling*  
20 *and treacherous conditions in order to lay thousands of miles of*  
21 *track. On May 10, 1868, alone, Chinese workers laid 10 miles of*  
22 *track in less than 12 hours in order to complete the last leg of the*  
23 *railroad. Without the tremendous efforts and contributions of the*  
24 *Chinese in building the transcontinental railroad, the development*  
25 *and progress of our nation and California would have been delayed*  
26 *by years; and*

27 *WHEREAS, Once the transcontinental railroad was complete,*  
28 *Chinese in California transitioned to other types of employment,*  
29 *making considerable contributions to the progress and growth of*  
30 *our state. Chinese in California built ships for fishing along our*  
31 *coast and developed the abalone and shrimp industries. In the*  
32 *Delta and the central valley, the Chinese in California helped to*  
33 *recover the tule swamps, to build irrigation systems, and to harvest*  
34 *various fruits and vegetables for California's agriculture industry;*  
35 *and*

36 *WHEREAS, The Legislature enacted discriminatory laws*  
37 *targeting Chinese in America and Chinese immigrants in order to*  
38 *discourage further immigration from China and sought to severely*  
39 *limit the success of the Chinese laborers already here; and*

1        *WHEREAS, Among other things, these laws denied the Chinese*  
2 *in California the right to own land or property, the right to vote,*  
3 *and the right to marry a white person, denied children of Chinese*  
4 *descent access to public schools, denied Chinese immigrants the*  
5 *right to bear arms, unfairly targeted women of Chinese descent*  
6 *by imposing special requirements in order for them to be allowed*  
7 *to immigrate into the state, authorized the removal of Chinese*  
8 *immigrants to outside town and city limits, denied Chinese laborers*  
9 *employment in public works projects and through state agencies,*  
10 *prohibited the issuance of licenses to Chinese in California, denied*  
11 *Chinese in California the right to fish in California’s waters, and*  
12 *unduly taxed Chinese businesses and individuals who employed*  
13 *Chinese laborers; and*

14        *WHEREAS, Chinese in California were denied the right to testify*  
15 *as a witness in any action or proceeding in which a white person*  
16 *was a party, pursuant to a state law which was upheld in*  
17 *People v. Hall (1854) 4 Cal. 399. As a result of the decision to place*  
18 *Chinese in California outside of the protection of the law, many*  
19 *Chinese in California were left extremely vulnerable to violence*  
20 *and abuse; and*

21        *WHEREAS, Chinese in California faced further discrimination*  
22 *under local ordinances which targeted traditional Chinese culture*  
23 *and customs. Laws were enacted forcing Chinese men in San*  
24 *Francisco to cut off their traditional queues, banning the Chinese*  
25 *traditional style of transporting fruits and vegetables, unjustly*  
26 *raising taxes on Chinese-owned laundromats, targeting the Chinese*  
27 *custom of disinterring the remains of their deceased to send back*  
28 *to China for proper burial, and forcing the Chinese in San*  
29 *Francisco to live within an area that was considered unsanitary*  
30 *and unsafe to ordinary individuals. These laws were enacted in*  
31 *order to impose shame and humiliation on Chinese Americans and*  
32 *Chinese immigrants; and*

33        *WHEREAS, California lobbied Congress for years to strictly*  
34 *prohibit immigration from China, and in 1882, was successful in*  
35 *convincing Congress to enact the Chinese Exclusion Act, the first*  
36 *federal law ever passed excluding a group of immigrants solely*  
37 *on the basis of race or nationality. The Chinese Exclusion Act set*  
38 *the precedent for racist foreign and national policy that led to*  
39 *broader exclusion laws and fostered an environment of racism*  
40 *that quickly led to the Jim Crow laws of the 1880s and further*

1 *segregation legislation that would tear our nation apart through*  
2 *most of the 20th century; and*

3 *WHEREAS, Paradoxically, the very same year that the Chinese*  
4 *Exclusion Act was passed, financing abroad was completed for*  
5 *the Statue of Liberty. The Statue of Liberty is a sign of freedom*  
6 *and democracy and was built and presented to the United States*  
7 *at the same time that Chinese Americans and Chinese immigrants*  
8 *were being denied freedom and democracy. The Statue of Liberty*  
9 *is our nation's great symbol of hope and justice for all who live,*  
10 *and all who wish to live, in the United States of America. While*  
11 *the Statue of Liberty was being built, legislators were contradicting*  
12 *those very ideals by discriminating against Chinese immigrants*  
13 *and lobbying Congress to do the same; and*

14 *WHEREAS, The Chinese Exclusion Act, which originally expired*  
15 *in 1892, was extended by Congress for 10 years in the form of the*  
16 *Geary Act and made permanent in 1902. It remained in effect until*  
17 *it was repealed in 1943 as a result of the alliance forged between*  
18 *China and the United States during World War II. The Chinese*  
19 *were once again allowed to immigrate to the United States, and*  
20 *shortly thereafter California's Angel Island ceased to be used as*  
21 *a detention center for Chinese immigrants; and*

22 *WHEREAS, Former Article XIX of the California Constitution,*  
23 *which was adopted in 1879 and unfairly targeted and discriminated*  
24 *against Chinese living in California, remained in effect for 73*  
25 *years until it was repealed in 1952; and*

26 *WHEREAS, Despite decades of systematic, pervasive, and*  
27 *sustained discrimination, Chinese living in California persevered*  
28 *and went on to make significant contributions to the growth and*  
29 *success of our state; and*

30 *WHEREAS, Today, Californians of Chinese descent occupy*  
31 *leading roles in politics, business, and academia. Currently there*  
32 *are 10 Chinese Americans serving in California's constitutional*  
33 *and statewide offices. Jerry Yang, former CEO of Yahoo! Inc., is*  
34 *a California resident. University of California, San Diego,*  
35 *Professor Roger Y. Tsien was awarded the 2008 Nobel Prize in*  
36 *chemistry for his discovery and development of the green*  
37 *fluorescent protein. And this year, California resident Steven Chu,*  
38 *former President of California's Lawrence Livermore National*  
39 *Laboratory and a Nobel Prize winner in Physics, was appointed*  
40 *by President Obama and sworn in as the Secretary of Energy. The*

1 *contributions of Chinese Americans to the State of California are*  
2 *vast and irreplaceable. They have played a central role in turning*  
3 *California’s university system, technology industry, businesses,*  
4 *and agriculture into a world power; now, therefore, be it*

5 **RESOLVED BY THE ASSEMBLY OF THE STATE OF**  
6 **CALIFORNIA, THE SENATE THEREOF CONCURRING,** *That*  
7 *diversity is one of our state’s greatest strengths, enabling*  
8 *California to thrive economically, agriculturally, technologically,*  
9 *academically, and politically at an international level. Our great*  
10 *state has relied on immigrants of all backgrounds to build our*  
11 *infrastructure, and integrating them into our society not only helps*  
12 *them prosper, but helps California prosper as well; and be it*  
13 *further*

14 **RESOLVED,** *That while this nation was founded on the*  
15 *principle that all men are created equal, and while we pay tribute*  
16 *to the great American creed “give me your tired, your poor, your*  
17 *huddled masses yearning to breathe free” which stands at the base*  
18 *of America’s Statue of Liberty, a symbol of hope for all who live,*  
19 *and all who wish to live, in the United States of America, we*  
20 *recognize that the practices of our state and its government have*  
21 *not always honored that promise. Ours is a state with an imperfect*  
22 *history where intolerance spurred the enactment of unjust*  
23 *discriminatory laws that have too often denied minority groups*  
24 *access to the promise of America, that all men are created equal.*  
25 *Today that struggle continues, and learning from our past will*  
26 *help enable us to travel further down the path toward building a*  
27 *more perfect Union; and be it further*

28 **RESOLVED,** *That the Legislature deeply regrets the enactment*  
29 *of past discriminatory laws and constitutional provisions which*  
30 *resulted in the persecution of Chinese living in California, which*  
31 *forced them to live in fear of unjust prosecutions on baseless*  
32 *charges, and which unfairly prevented them from earning a living.*  
33 *The Legislature regrets these acts and reaffirms its commitment*  
34 *to preserving the rights of all people and celebrating the*  
35 *contributions that all immigrants have made to this state and*  
36 *nation; and be it further*

37 **RESOLVED,** *That the Chief Clerk of the Assembly transmit*  
38 *copies of this resolution to the author for appropriate distribution.*

39 **WHEREAS,** ~~Homelessness is one of the most pervasive issues~~  
40 ~~facing our country and California today; and~~

1     ~~WHEREAS, Widespread homelessness was not evident until~~  
2 ~~the 1980s; and~~  
3     ~~WHEREAS, For many years of our Nation's history the great~~  
4 ~~majority of our residents had permanent housing regardless of~~  
5 ~~income, age, or disability; and~~  
6     ~~WHEREAS, There are renewed efforts by the federal~~  
7 ~~government and many cities and counties to adopt plans to end~~  
8 ~~chronic homelessness; and~~  
9     ~~WHEREAS, In 2005, The National Alliance to End~~  
10 ~~Homelessness estimated that 744,313 people were without~~  
11 ~~permanent housing in the United States; and~~  
12     ~~WHEREAS, Today approximately 170,270 Californians are~~  
13 ~~without a home; and~~  
14     ~~WHEREAS, It is estimated that there are 80,000 to 95,000~~  
15 ~~homeless children in California; and~~  
16     ~~WHEREAS, The vast majority of homeless families consist of~~  
17 ~~a single mother and her children; and~~  
18     ~~WHEREAS, Nearly 23 percent of homeless adults are veterans,~~  
19 ~~and many more veterans who live in poverty are at risk of~~  
20 ~~becoming homeless; and~~  
21     ~~WHEREAS, California has the highest average rate of~~  
22 ~~homelessness in the country; and~~  
23     ~~WHEREAS, Rising rents, rapidly declining numbers of~~  
24 ~~low-income rental units, and declining availability of federal~~  
25 ~~housing programs contribute to homelessness; and~~  
26     ~~WHEREAS, Forty percent of people living in homelessness are~~  
27 ~~former foster children, according to the Children's Advocacy~~  
28 ~~Institute; and~~  
29     ~~WHEREAS, Inequality between the classes has been growing~~  
30 ~~more in California than in the Nation as a whole, and the increasing~~  
31 ~~gap between the rich and the poor is due more to deteriorating~~  
32 ~~incomes among the poor than to rising incomes at the top of the~~  
33 ~~income distribution; and~~  
34     ~~WHEREAS, The majority of the homeless are men unattached~~  
35 ~~to other family members; and~~  
36     ~~WHEREAS, A large proportion of the homeless has spent some~~  
37 ~~time in jail or prison; and~~  
38     ~~WHEREAS, The homeless population suffers disproportionately~~  
39 ~~from mental illness, drug and alcohol addiction, and extreme social~~  
40 ~~isolation; and~~

1 WHEREAS, ~~The deinstitutionalization of the mentally ill, drug~~  
2 ~~and alcohol addiction, and the cost of housing contribute to~~  
3 ~~homelessness; and~~

4 WHEREAS, ~~More than 200 communities across the country~~  
5 ~~have begun to plan to end homelessness with federal funding~~  
6 ~~support; now, therefore, be it~~

7 *Resolved by the Assembly of the State of California, the Senate*  
8 *thereof concurring,* ~~That the Joint Committee on Homelessness~~  
9 ~~in California is hereby established; and be it further~~

10 *Resolved,* ~~That the Joint Committee on Homelessness in~~  
11 ~~California shall consist of 10 members, who shall include five~~  
12 ~~Assembly Members appointed by the Speaker of the Assembly~~  
13 ~~and five Senators appointed by the Senate Committee on Rules;~~  
14 ~~and be it further~~

15 *Resolved,* ~~That the joint committee and its members shall have~~  
16 ~~and exercise all of the rights, duties, and powers conferred upon~~  
17 ~~investigating committees and their members by the Joint Rules of~~  
18 ~~the Senate and Assembly as those rules are adopted and amended~~  
19 ~~from time to time, which provisions are incorporated herein and~~  
20 ~~made applicable to the committee and its members; and be it further~~

21 *Resolved,* ~~That the Joint Committee on Homelessness in~~  
22 ~~California shall study and investigate issues including, but not~~  
23 ~~limited to, the training of law enforcement agencies regarding~~  
24 ~~homelessness, education efforts on identifying homeless population~~  
25 ~~and the coordination among programs serving the homeless, the~~  
26 ~~development of appropriate housing services, and obtaining better~~  
27 ~~data regarding the number of homeless; and be it further~~

28 *Resolved,* ~~That the Joint Committee on Homelessness in~~  
29 ~~California shall submit a report to the Legislature on September~~  
30 ~~30, 2010, including its findings and recommendations; and be it~~  
31 ~~further~~

32 *Resolved,* ~~That the Joint Committee on Homelessness in~~  
33 ~~California is authorized to act until November 30, 2010.~~