

AMENDED IN ASSEMBLY JUNE 3, 2009

AMENDED IN ASSEMBLY APRIL 30, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

Assembly Concurrent Resolution

No. 42

Introduced by Assembly Member Fong Members Fong and De Leon
(Coauthors: Assembly Members Furutani, Lieu, and Torrico)
(Coauthors: Senators Liu and Yee)

February 27, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

ACR 42, as amended, Fong. 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.

Fiscal committee: no.

1 WHEREAS, The California gold rush triggered one of the largest
2 mass migrations in world history—~~that~~ *and* captured global
3 imagination as the destination for wealth and opportunity. That
4 global migration made California one of the world's most diverse
5 states which would serve as the foundation for its economic,
6 academic, and cultural growth in the 20th century; and
7 WHEREAS, The California gold rush paved the way in funding
8 and manpower for the creation and building of the western leg of

1 the transcontinental railroad. The transcontinental railroad was
2 considered the greatest American technological feat of the 19th
3 century, was a dream of Abraham Lincoln's, and was what many
4 considered the most important aspect in strengthening the position
5 of the United States in the international spotlight. The track served
6 as a vital link for trade, commerce, and travel by joining east and
7 west, further transforming the population and economy of
8 California; and

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

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

30 WHEREAS, The Legislature enacted discriminatory laws
31 targeting Chinese in America and Chinese immigrants in order to
32 discourage further immigration from China and sought to severely
33 limit the success of the Chinese laborers already here; and

34 WHEREAS, Among other things, these laws denied the Chinese
35 in California the right to own land or property, the right to vote,
36 and the right to marry a white person, denied children of Chinese
37 descent access to public schools, denied Chinese immigrants the
38 right to bear arms, unfairly targeted women of Chinese descent by
39 imposing special requirements in order for them to be allowed to
40 immigrate into the state, authorized the removal of Chinese

1 immigrants to outside town and city limits, denied Chinese laborers
2 employment in public works projects and through state agencies,
3 prohibited the issuance of licenses to Chinese in California, denied
4 Chinese in California the right to fish in California’s waters, and
5 unduly taxed Chinese businesses and individuals who employed
6 Chinese laborers; and

7 WHEREAS, Chinese in California were denied the right to
8 testify as a witness in any action or proceeding in which a white
9 person was a party, pursuant to a state law which was upheld in
10 *People v. Hall* (1854) 4 Cal. 399. As a result of the decision to
11 place Chinese in California outside of the protection of the law,
12 many Chinese in California were left extremely vulnerable to
13 violence and abuse; and

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

26 WHEREAS, California lobbied Congress for years to strictly
27 prohibit immigration from China, and in 1882, was successful in
28 convincing Congress to enact the Chinese Exclusion Act, the first
29 federal law ever passed excluding a group of immigrants solely
30 on the basis of race or nationality. The Chinese Exclusion Act set
31 the precedent for racist foreign and national policy that led to
32 broader exclusion laws and fostered an environment of racism that
33 quickly led to the Jim Crow laws of the 1880s and further
34 segregation legislation that would tear our nation apart through
35 most of the 20th century; and

36 WHEREAS, Paradoxically, the very same year that the Chinese
37 Exclusion Act was passed, financing abroad was completed for
38 the Statue of Liberty. The Statue of Liberty is a sign of freedom
39 and democracy and was built and presented to the United States
40 at the same time that Chinese Americans and Chinese immigrants

1 were being denied freedom and democracy. The Statue of Liberty
2 is our nation's great symbol of hope and justice for all who live,
3 and all who wish to live, in the United States of America. While
4 the Statue of Liberty was being built, legislators were contradicting
5 those very ideals by discriminating against Chinese immigrants
6 and lobbying Congress to do the same; and

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

15 WHEREAS, Former Article XIX of the California Constitution,
16 which was adopted in 1879 and unfairly targeted and discriminated
17 against Chinese living in California, remained in effect for 73 years
18 until it was repealed in 1952; and

19 WHEREAS, Despite decades of systematic, pervasive, and
20 sustained discrimination, Chinese living in California persevered
21 and went on to make significant contributions to the growth and
22 success of our state; and

23 WHEREAS, Today, Californians of Chinese descent occupy
24 leading roles in politics, business, and academia. Currently there
25 are 10 Chinese Americans serving in California's constitutional
26 and statewide offices. Jerry Yang, former CEO of Yahoo! Inc., is
27 a California resident. University of California, San Diego, Professor
28 Roger Y. Tsien was awarded the 2008 Nobel Prize in chemistry
29 for his discovery and development of the green fluorescent protein.
30 And this year, California resident Steven Chu, former President
31 of California's Lawrence Livermore National Laboratory and a
32 Nobel Prize winner in Physics, was appointed by President Obama
33 and sworn in as the Secretary of Energy. The contributions of
34 Chinese Americans to the State of California are vast and
35 irreplaceable. They have played a central role in turning
36 California's university system, technology industry, businesses,
37 and agriculture into a world power; now, therefore, be it

38 *Resolved by the Assembly of the State of California, the Senate*
39 *thereof concurring,* That diversity is one of our state's greatest
40 strengths, enabling California to thrive economically, agriculturally,

1 technologically, academically, and politically at an international
2 level. Our great state has relied on immigrants of all backgrounds
3 to build our infrastructure, and integrating them into our society
4 not only helps them prosper, but helps California prosper as well;
5 and be it further

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

20 *Resolved*, That the Legislature deeply regrets the enactment of
21 past discriminatory laws and constitutional provisions which
22 resulted in the persecution of Chinese living in California, which
23 forced them to live in fear of unjust prosecutions on baseless
24 charges, and which unfairly prevented them from earning a living.
25 The Legislature regrets these acts and reaffirms its commitment
26 to preserving the rights of all people and celebrating the
27 contributions that all immigrants have made to this state and nation;
28 and be it further

29 *Resolved*, That the Chief Clerk of the Assembly transmit copies
30 of this resolution to the author for appropriate distribution.

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