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CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

Assembly Concurrent Resolution

No. 42

Introduced by Assembly Members Fong and De Leon

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(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 and captured global imagination
3 as the destination for wealth and opportunity. That global migration
4 made California one of the world's most diverse states which
5 would serve as the foundation for its economic, academic, and
6 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
9 the transcontinental railroad. The transcontinental railroad was
10 considered the greatest American technological feat of the 19th
11 century, was a dream of Abraham Lincoln's, and was what many
12 considered the most important aspect in strengthening the position
13 of the United States in the international spotlight. The track served
14 as a vital link for trade, commerce, and travel by joining east and
15 west, further transforming the population and economy of
16 California; and

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

30 WHEREAS, Once the transcontinental railroad was complete,
31 Chinese in California transitioned to other types of employment,
32 making considerable contributions to the progress and growth of
33 our state. Chinese in California built ships for fishing along our
34 coast and developed the abalone and shrimp industries. In the Delta
35 and the central valley, the Chinese in California helped to recover

1 the tule swamps, to build irrigation systems, and to harvest various
2 fruits and vegetables for California's agriculture industry; and

3 WHEREAS, The Legislature enacted discriminatory laws
4 targeting Chinese in America and Chinese immigrants in order to
5 discourage further immigration from China and sought to severely
6 limit the success of the Chinese laborers already here; and

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

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

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

39 WHEREAS, California lobbied Congress for years to strictly
40 prohibit immigration from China, and in 1882, was successful in

1 convincing Congress to enact the Chinese Exclusion Act, the first
2 federal law ever passed excluding a group of immigrants solely
3 on the basis of race or nationality. The Chinese Exclusion Act set
4 the precedent for racist foreign and national policy that led to
5 broader exclusion laws and fostered an environment of racism that
6 quickly led to the Jim Crow laws of the 1880s and further
7 segregation legislation that would tear our nation apart through
8 most of the 20th century; and

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

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

28 WHEREAS, Former Article XIX of the California Constitution,
29 which was adopted in 1879 and unfairly targeted and discriminated
30 against Chinese living in California, remained in effect for 73 years
31 until it was repealed in 1952; and

32 WHEREAS, Despite decades of systematic, pervasive, and
33 sustained discrimination, Chinese living in California persevered
34 and went on to make significant contributions to the growth and
35 success of our state; and

36 WHEREAS, Today, Californians of Chinese descent occupy
37 leading roles in politics, business, and academia. Currently there
38 are 10 Chinese Americans serving in California's constitutional
39 and statewide offices. Jerry Yang, former CEO of Yahoo! Inc., is
40 a California resident. University of California, San Diego, Professor

1 Roger Y. Tsien was awarded the 2008 Nobel Prize in chemistry
 2 for his discovery and development of the green fluorescent protein.
 3 And this year, California resident Steven Chu, former President
 4 of California's Lawrence Livermore National Laboratory and a
 5 Nobel Prize winner in Physics, was appointed by President Obama
 6 and sworn in as the Secretary of Energy. The contributions of
 7 Chinese Americans to the State of California are vast and
 8 irreplaceable. They have played a central role in turning
 9 California's university system, technology industry, businesses,
 10 and agriculture into a world power; now, therefore, be it

11 *Resolved by the Assembly of the State of California, the Senate*
 12 *thereof concurring*, That diversity is one of our state's greatest
 13 strengths, enabling California to thrive economically, agriculturally,
 14 technologically, academically, and politically at an international
 15 level. Our great state has relied on immigrants of all backgrounds
 16 to build our infrastructure, and integrating them into our society
 17 not only helps them prosper, but helps California prosper as well;
 18 and be it further

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

33 *Resolved*, That the Legislature deeply regrets the enactment of
 34 past discriminatory laws and constitutional provisions which
 35 resulted in the persecution of Chinese living in California, which
 36 forced them to live in fear of unjust prosecutions on baseless
 37 charges, and which unfairly prevented them from earning a living.
 38 The Legislature regrets these acts and reaffirms its commitment
 39 to preserving the rights of all people and celebrating the

- 1 contributions that all immigrants have made to this state and nation;
- 2 and be it further
- 3 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 4 of this resolution to the author for appropriate distribution.