

AMENDED IN SENATE MAY 22, 2014

**Senate Joint Resolution**

**No. 23**

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**Introduced by ~~Senator Huff~~ *Senators Huff and De León***  
**(Coauthors: *Senators Padilla and Steinberg*)**  
**(Coauthor: *Assembly Member Waldron*)**

April 10, 2014

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Senate Joint Resolution No. 23—Relative to Chinese Americans in California.

LEGISLATIVE COUNSEL'S DIGEST

SJR 23, as amended, Huff. Chinese Americans in California.

This measure would acknowledge the history of the Chinese in California, would recognize the contributions made to the State of California by Chinese Americans and Chinese immigrants, ~~would apologize for past discriminatory laws and constitutional provisions which resulted in the persecution of Chinese people living in California,~~ and would request Congress to adopt resolutions of apology to the Chinese American community for enactment of the Chinese Exclusion Laws.

Fiscal committee: no.

- 1     *WHEREAS, Chinese Americans have a long and rich history in*
- 2     *the United States and California; and*
- 3     *WHEREAS, The many contributions of Chinese Americans, both*
- 4     *past and present, should be acknowledged and celebrated; and*
- 5     *WHEREAS, Since the late 19th century, Congress enacted*
- 6     *adverse laws specifically targeting Chinese people on the basis of*
- 7     *race, most notably the Chinese Exclusion Act of 1882; and*

1 *WHEREAS, During this period, growth in the Chinese population,*  
2 *combined with economic regression led to pervasive anti-Chinese*  
3 *sentiments, especially in California and the American West; and*

4 *WHEREAS, California’s stance against the Chinese community*  
5 *influenced the promotion and passage of the Federal Chinese*  
6 *Exclusion Act; and*

7 *WHEREAS, California lobbied Congress for years to strictly*  
8 *prohibit immigration from China, and in 1882, was successful in*  
9 *convincing Congress to enact the Chinese Exclusion Act, the first*  
10 *federal law ever passed excluding a group of immigrants solely*  
11 *on the basis of race or nationality. The Chinese Exclusion Act set*  
12 *the precedent for racist foreign and national policy that led to*  
13 *broader exclusion laws and fostered an environment of racism*  
14 *that quickly led to the Jim Crow laws of the 1880’s, and further*  
15 *segregation legislation that would tear our nation apart through*  
16 *most of the 20th century; and*

17 *WHEREAS, The Chinese Exclusion Act and later amendments*  
18 *to the act not only established barriers exclusively for Chinese*  
19 *attempting to enter the country, it also placed discriminatory*  
20 *restrictions on those already living in the United States, such as*  
21 *requiring Chinese laborers who desired to reenter the country to*  
22 *obtain “certificates of return”; and*

23 *WHEREAS, Paradoxically, the very same year that the Chinese*  
24 *Exclusion Act was passed, financing abroad was completed for*  
25 *the Statue of Liberty. The Statue of Liberty is a sign of freedom*  
26 *and democracy and was built and presented to the United States*  
27 *at the same time that Chinese Americans and Chinese immigrants*  
28 *were being denied freedom and democracy. The Statue of Liberty*  
29 *is our nation’s great symbol of hope and justice for all who live,*  
30 *and all who wish to live, in the United States of America. While*  
31 *the Statue of Liberty was being built, legislators were contradicting*  
32 *those very ideals by discriminating against Chinese immigrants*  
33 *and lobbying Congress to do the same; and*

34 *WHEREAS, Some congressional legislators did warn against*  
35 *the moral bankruptcy of the Chinese Exclusion Act by appealing*  
36 *to America’s ideals. Senator George Frisbie Hoar debated against*  
37 *the measure before the United States Senate, stating, “Nothing is*  
38 *more in conflict with the genius of American institutions than legal*  
39 *distinctions based upon race or occupation. The framers of our*  
40 *Constitution believed in the safety and wisdom of adherence to*

1 *abstract principles. They meant that their laws should make no*  
2 *distinction between men except as were required by personal*  
3 *conduct and character;” and*

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

12 *WHEREAS, The Chinese Exclusion Act is inconsistent with the*  
13 *founding principles of the United States, including that all men*  
14 *are created equal; and*

15 *WHEREAS, In 2011, by unanimous consent, the United States*  
16 *Senate passed Senate Resolution 201 (S. Res. 201), expressing*  
17 *regret for the passage of the Chinese Exclusion Act of 1882 and*  
18 *other legislation that discriminated against people of Chinese*  
19 *origin in the United States; and*

20 *WHEREAS, In 2012, the United States House of Representatives*  
21 *unanimously passed House Resolution 683 (H. Res. 683),*  
22 *expressing regret for passage of the Chinese Exclusion Act of 1882*  
23 *and other legislation that discriminated against people of Chinese*  
24 *origin in the United States; and*

25 *WHEREAS, The congressional sponsors of H. Res. 683 and S.*  
26 *Res. 201 are appreciated and commended for achieving*  
27 *expressions of regret for State discriminatory legislation targeting*  
28 *the Chinese based upon race; and*

29 *WHEREAS, Congress has never afforded a formal apology for*  
30 *the legalized governmental mistreatment marked by the Chinese*  
31 *Exclusion Act; and*

32 *WHEREAS, The United States Congress has demonstrated an*  
33 *apology, not an expression of regret, is most appropriate for*  
34 *redressing past transgressions. Other congressional apologies*  
35 *include those for the enactment of discriminatory legislation to*  
36 *the Japanese Americans in 1988, the Native Hawaiians in 1993,*  
37 *African Americans in 2008 and 2009, and to the Native Americans*  
38 *in 2009; and*

39 *WHEREAS, There are important distinctions between an*  
40 *expression of regret and an apology; and*

1 *WHEREAS, An expression of regret conveys sorrow for hardship*  
2 *or suffering, while an apology acknowledges culpability for actions*  
3 *contributing to that hardship or suffering; and*

4 *WHEREAS, It is important that the United States Congress make*  
5 *a formal and sincere apology for the enactment of the*  
6 *discriminatory laws that adversely affected Chinese Americans,*  
7 *so that democracy, justice, and equality for all of its citizens can*  
8 *be achieved, and to strengthen the diversity in the United States*  
9 *that contributes to the country's economic, cultural, technological,*  
10 *academic, and political growth; now, therefore, be it*

11 *RESOLVED, That the Legislature requests Congress to adopt*  
12 *resolutions of apology to the Chinese American community for the*  
13 *enactment of the Chinese Exclusion Laws; and be it further*

14 *RESOLVED, That the Secretary of the Senate transmit copies*  
15 *of this resolution to the President of the United States Senate, the*  
16 *Speaker of the House of Representatives, to each Senator and*  
17 *Representative from California in the Congress of the United*  
18 *States, and to the author for appropriate distribution.*

19 ~~*WHEREAS, The California gold rush triggered one of the largest*~~  
20 ~~*mass migrations in world history and captured global imagination*~~  
21 ~~*as the destination for wealth and opportunity. That global migration*~~  
22 ~~*made California one of the world's most diverse states which*~~  
23 ~~*would serve as the foundation for its economic, academic, and*~~  
24 ~~*cultural growth in the 20th century; and*~~

25 ~~*WHEREAS, The California gold rush paved the way in funding*~~  
26 ~~*and manpower for the creation and building of the western leg of*~~  
27 ~~*the transcontinental railroad. The transcontinental railroad was*~~  
28 ~~*considered the greatest American technological feat of the 19th*~~  
29 ~~*century, was a dream of Abraham Lincoln's, and was what many*~~  
30 ~~*considered the most important aspect in strengthening the position*~~  
31 ~~*of the United States in the international spotlight. The track served*~~  
32 ~~*as a vital link for trade, commerce, and travel by joining east and*~~  
33 ~~*west, further transforming the population and economy of*~~  
34 ~~*California; and*~~

35 ~~*WHEREAS, The Central Pacific portion of the transcontinental*~~  
36 ~~*railroad recruited the Chinese in America and later tens of*~~  
37 ~~*thousands of Chinese immigrants as a source of labor. Chinese in*~~  
38 ~~*America and Chinese immigrants were paid less than their white*~~  
39 ~~*counterparts and slept in tents while white laborers were provided*~~  
40 ~~*both food and shelter. The Chinese laborers worked under grueling*~~

1 and treacherous conditions in order to lay thousands of miles of  
2 track. On May 10, 1868, alone, Chinese workers laid 10 miles of  
3 track in less than 12 hours in order to complete the last leg of the  
4 railroad. Without the tremendous efforts and contributions of the  
5 Chinese in building the transcontinental railroad, the development  
6 and progress of our nation and California would have been delayed  
7 by years; and

8 WHEREAS, Once the transcontinental railroad was complete,  
9 Chinese in California transitioned to other types of employment,  
10 making considerable contributions to the progress and growth of  
11 our state. Chinese in California built ships for fishing along our  
12 coast and developed the abalone and shrimp industries. In the Delta  
13 and the central valley, the Chinese in California helped to recover  
14 the tule swamps, to build irrigation systems, and to harvest various  
15 fruits and vegetables for California's agriculture industry; and

16 WHEREAS, The Legislature enacted discriminatory laws  
17 targeting Chinese in America and Chinese immigrants in order to  
18 discourage further immigration from China and sought to severely  
19 limit the success of the Chinese laborers already here; and

20 WHEREAS, Among other things, these laws denied the Chinese  
21 in California the right to own land or property, the right to vote,  
22 and the right to marry a white person, denied children of Chinese  
23 descent access to public schools, denied Chinese immigrants the  
24 right to bear arms, unfairly targeted women of Chinese descent by  
25 imposing special requirements in order for them to be allowed to  
26 immigrate into the state, authorized the removal of Chinese  
27 immigrants to outside town and city limits, denied Chinese laborers  
28 employment in public works projects and through state agencies,  
29 prohibited the issuance of licenses to Chinese in California, denied  
30 Chinese in California the right to fish in California's waters, and  
31 unduly taxed Chinese businesses and individuals who employed  
32 Chinese laborers; and

33 WHEREAS, Chinese in California were denied the right to  
34 testify as a witness in any action or proceeding in which a white  
35 person was a party, pursuant to a state law which was upheld in  
36 *People v. Hall* (1854) 4 Cal. 399. As a result of the decision to  
37 place Chinese in California outside of the protection of the law,  
38 many Chinese in California were left extremely vulnerable to  
39 violence and abuse; and

1 WHEREAS, Chinese in California faced further discrimination  
2 under local ordinances which targeted traditional Chinese culture  
3 and customs. Laws were enacted forcing Chinese men in San  
4 Francisco to cut off their traditional queues, banning the Chinese  
5 traditional style of transporting fruits and vegetables, unjustly  
6 raising taxes on Chinese-owned laundromats, targeting the Chinese  
7 custom of disinterring the remains of their deceased to send back  
8 to China for proper burial, and forcing the Chinese in San Francisco  
9 to live within an area that was considered unsanitary and unsafe  
10 to ordinary individuals. These laws were enacted in order to impose  
11 shame and humiliation on Chinese Americans and Chinese  
12 immigrants; and

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

23 WHEREAS, Paradoxically, the very same year that the Chinese  
24 Exclusion Act was passed, financing abroad was completed for  
25 the Statue of Liberty. The Statue of Liberty is a sign of freedom  
26 and democracy and was built and presented to the United States  
27 at the same time that Chinese Americans and Chinese immigrants  
28 were being denied freedom and democracy. The Statue of Liberty  
29 is our nation's great symbol of hope and justice for all who live,  
30 and all who wish to live, in the United States of America. While  
31 the Statue of Liberty was being built, legislators were contradicting  
32 those very ideals by discriminating against Chinese immigrants  
33 and lobbying Congress to do the same; and

34 WHEREAS, The Chinese Exclusion Act, which originally  
35 expired in 1892, was extended by Congress for 10 years in the  
36 form of the Geary Act and made permanent in 1902. It remained  
37 in effect until it was repealed in 1943 as a result of the alliance  
38 forged between China and the United States during World War II.  
39 The Chinese were once again allowed to immigrate to the United

1 States, and shortly thereafter California’s Angel Island ceased to  
2 be used as a detention center for Chinese immigrants; and

3 WHEREAS, Former Article XIX of the California Constitution,  
4 which was adopted in 1879 and unfairly targeted and discriminated  
5 against Chinese living in California, remained in effect for 73 years  
6 until it was repealed in 1952; and

7 WHEREAS, Despite decades of systematic, pervasive, and  
8 sustained discrimination, Chinese living in California persevered  
9 and went on to make significant contributions to the growth and  
10 success of our state; and

11 WHEREAS, Today, Californians of Chinese descent occupy  
12 leading roles in politics, business, and academia. The contributions  
13 of Chinese Americans to the State of California are vast and  
14 irreplaceable. They have played a central role in turning  
15 California’s university system, technology industry, businesses,  
16 and agriculture into a world power; now, therefore, be it

17 *Resolved by the Senate and the Assembly of the State of*  
18 *California, jointly,* That diversity is one of our state’s greatest  
19 strengths, enabling California to thrive economically, agriculturally,  
20 technologically, academically, and politically at an international  
21 level. Our great state has relied on immigrants of all backgrounds  
22 to build our infrastructure, and integrating them into our society  
23 not only helps them prosper, but helps California prosper as well;  
24 and be it further

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

39 *Resolved,* That the Legislature apologizes to the Chinese people  
40 for the enactment of past discriminatory laws and constitutional

1 provisions which resulted in the persecution of Chinese living in  
2 California, which forced them to live in fear of unjust prosecutions  
3 on baseless charges, and which unfairly prevented them from  
4 earning a living. The Legislature reaffirms its commitment to  
5 preserving the rights of all people and celebrating the contributions  
6 that all immigrants have made to this state and nation; and be it  
7 further

8 *Resolved*, That the Legislature requests Congress to adopt  
9 resolutions of apology to the Chinese American community for  
10 the enactment of the Chinese Exclusion Laws; and be it further

11 *Resolved*, That the Secretary of the Senate transmit copies of  
12 this resolution to the President of the United States Senate, the  
13 Speaker of the House of Representatives, to each Senator and  
14 Representative from California in the Congress of the United  
15 States, and to the author for appropriate distribution.