

Senate Joint Resolution No. 23

RESOLUTION CHAPTER 134

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

[Filed with Secretary of State August 28, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 23, 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, and would request Congress to adopt resolutions of apology to the Chinese American community for enactment of the Chinese exclusion laws.

WHEREAS, Chinese Americans have a long and rich history in the United States and California; and

WHEREAS, The many contributions of Chinese Americans, both past and present, should be acknowledged and celebrated; and

WHEREAS, Since the late 19th century, Congress enacted adverse laws specifically targeting Chinese people on the basis of race, most notably the Chinese Exclusion Act of 1882; and

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

WHEREAS, California's stance against the Chinese community influenced the promotion and passage of the federal Chinese Exclusion Act; and

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

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

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

WHEREAS, Some congressional legislators did warn against the moral bankruptcy of the Chinese Exclusion Act by appealing to America's ideals. Senator George Frisbie Hoar debated against the measure before the United States Senate, stating, "Nothing is more in conflict with the genius of American institutions than legal distinctions based upon race or occupation. The framers of our Constitution believed in the safety and wisdom of adherence to abstract principles. They meant that their laws should make no distinction between men except as were required by personal conduct and character"; and

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

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

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

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

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

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

WHEREAS, The United States Congress has demonstrated that an apology, not an expression of regret, is most appropriate for redressing past transgressions. Congress has previously apologized for enacting discriminatory legislation to Japanese Americans in 1988, to Native

Hawaiians in 1993, to African Americans in 2008 and 2009, and to Native Americans in 2009; and

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

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

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

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature requests Congress to adopt resolutions of apology to the Chinese American community for the enactment of the Chinese exclusion laws; and be it further

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