

Senate Concurrent Resolution No. 122

RESOLUTION CHAPTER 132

Senate Concurrent Resolution No. 122—Relative to Chinese Americans in California.

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

LEGISLATIVE COUNSEL'S DIGEST

SCR 122, De León. 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 apologize for past discriminatory laws and constitutional provisions that resulted in the persecution of Chinese living in California.

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

WHEREAS, The California Gold Rush paved the way in funding and manpower for the creation and building of the western leg of the Transcontinental Railroad. The Transcontinental Railroad was considered the greatest American technological feat of the 19th century, was a dream of Abraham Lincoln's, and was what many considered the most important aspect in strengthening the position of the United States in the international spotlight. The track served as a vital link for trade, commerce, and travel by joining east and west, further transforming the population and economy of California; and

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

WHEREAS, Once the Transcontinental Railroad was complete, Chinese in California transitioned to other types of employment, making considerable

contributions to the progress and growth of our state. Chinese in California built ships for fishing along our coast and developed the abalone and shrimp industries. In the Delta and the central valley, the Chinese in California helped to recover the tule swamps, to build irrigation systems, and to harvest various fruits and vegetables for California's agriculture industry; and

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

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

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

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

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

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

WHEREAS, Today, Californians of Chinese descent occupy leading roles in politics, business, and academia. The contributions of Chinese Americans to the State of California are vast and irreplaceable. They have played a

central role in turning California’s university system, technology industry, businesses, and agriculture into a world power; now, therefore, be it

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

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

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

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.