

Introduced by Senator Pan

January 7, 2016

Senate Concurrent Resolution No. 94—Relative to Day of Inclusion.

LEGISLATIVE COUNSEL’S DIGEST

SCR 94, as introduced, Pan. Day of Inclusion.

This measure would acknowledge December 17 each year as an annual “Day of Inclusion” in recognition and appreciation of the priceless contributions of all immigrants to the greatness of the United States and California.

Fiscal committee: no.

1 WHEREAS, In 1886, the United States Supreme Court, in Yick
2 Wo v. Hopkins (1886) 118 U.S. 356, 369, stated that “the
3 Fourteenth Amendment to the Constitution... says: ‘Nor shall any
4 state deprive any person of life, liberty, or property without due
5 process of law; nor deny to any person within its jurisdiction the
6 equal protection of the laws.’ These provisions are universal in
7 their application to all persons within the territorial jurisdiction,
8 without regard to any differences of race, of color, or of
9 nationality”; and
10 WHEREAS, The Burlingame Treaty of 1868, which encouraged
11 the flow of Chinese immigration, was signed into law with the
12 intent to protect Chinese in the United States against discrimination,
13 exploitation, and violence in the United States; and
14 WHEREAS, Chinese immigrants arrived in large numbers and
15 greatly contributed to the advancement and progress of the United
16 States to its position as one of the world’s greatest superpowers,
17 through contributions including assisting in building the first

1 transcontinental railway connecting the country from east to west
2 by laying down tracks throughout the dangerous Sierra Nevada
3 mountain terrain, parting the waters to build the vital levees of the
4 California Delta, and establishing California's world-class
5 agriculture and fishing industries; and

6 WHEREAS, The Chinese Exclusion Act of 1882 was the first
7 major law to single out and forbid a specific ethnic group, the
8 Chinese, from immigrating to and becoming naturalized citizens
9 of the United States, and was followed by the Geary Act of 1892,
10 which extended the prohibitions of the Chinese Exclusion Act of
11 1882 and imposed new and onerous requirements on Chinese
12 immigrants; and

13 WHEREAS, In the wake of the Chinese Exclusion Act of 1882
14 and the Geary Act of 1892, additional laws were enacted to
15 perpetuate discrimination and unequal treatment of Chinese and
16 other minority groups, including numerous antiscegenation laws
17 that prohibited marriage between white women and men of
18 minority background or ancestry; the Alien Land Law of 1913 that
19 prohibited "aliens ineligible for citizenship" from owning land or
20 property; the Cable Act of 1922 that terminated the United States
21 citizenship of any woman who married an alien ineligible for
22 United States citizenship; and the Immigration Act of 1924 that
23 limited the number of immigrants who could be admitted from
24 any country and prohibited the immigration of all Asians; and

25 WHEREAS, The Chinese fought against unequal treatment and
26 filed hundreds of appeals, resulting in 17 cases being brought
27 before the United States Supreme Court, thereby invoking the
28 protections of the Fourteenth Amendment to the Constitution of
29 the United States; and

30 WHEREAS, The Chinese Exclusion Act, passed on May 6,
31 1882, was finally repealed on December 17, 1943, by way of the
32 Magnuson Act, marking a turning point in societal reaction toward
33 immigrants and their common struggle for fairness and equality;
34 and

35 WHEREAS, An abundant list of Chinese Americans have
36 contributed their time, energy, and talents toward the betterment
37 and progress of this nation and all peoples: Jerry Yang (cofounder
38 of Yahoo! Inc.), Charles Wang (founder of Computer Associates
39 International, Inc.), and others have founded and led some of this
40 nation's great companies; John Liu Fugh (first Chinese American

1 officer to attain the rank of General in the United States Army),
2 Francis B. Wai (first Chinese American to receive the Medal of
3 Honor), and others have contributed their lives in service to our
4 nation; Tsung-Dao Lee (Nobel Prize recipient in Physics), Roger
5 Y. Tsien (Nobel Prize recipient in Chemistry), and others have
6 contributed their great skills and talents to the fields of science
7 and mathematics; Hiram Leong Fong (first Chinese American to
8 be elected as a United States Senator), Thomas Tang (first Chinese
9 American appointed to the federal judiciary), and others have led
10 and continue to lead at all levels of government; and

11 WHEREAS, According to data from the 2000 United States
12 Census, immigrant business owners generate \$67 billion of the
13 \$577 billion in United States business income, or approximately
14 12 percent, as estimated by the federal Small Business
15 Administration's Office of Advocacy; and

16 WHEREAS, Chinese Americans share many commonalities
17 with other minority groups within the United States: all reside in
18 the United States in search of opportunities to better their lives
19 and the lives of their families, hope to fulfill their dreams through
20 diligence and hard work, experience prejudice and discrimination
21 from both society and government, and nevertheless succeed in
22 many respects despite much adversity and many stresses and
23 pressures; and

24 WHEREAS, Executive Order 9066, issued by President Franklin
25 D. Roosevelt on February 19, 1942, allowed for the incarceration
26 of 120,000 Japanese Americans without due process of the law as
27 well as the discharge of Japanese Americans serving in the Armed
28 Forces, and was followed by the establishment of the War
29 Relocation Authority to administer the relocation of Japanese
30 Americans to internment camps; and

31 WHEREAS, On August 10, 1988, President Ronald W. Reagan
32 signed the Civil Liberties Act of 1988, which found that Executive
33 Order 9066 was caused by racial prejudice, war hysteria, and a
34 failure of political leadership, apologized on behalf of the people
35 of the United States for the evacuation, internment, and relocation
36 of Japanese Americans during World War II, and provided for
37 restitution to those Japanese Americans who were interned; and

38 WHEREAS, The repeal of the Chinese Exclusion Act of 1882
39 on December 17, 1943, 61 years after its enactment, marks the
40 date when the United States expressed a commitment to break

1 down cultural barriers, appreciate differences, enrich cultural
2 diversity, and further racial, religious, and cultural tolerance; and

3 WHEREAS, According to the data from the United States
4 Federal Bureau of Investigation, in concurrence with the ongoing
5 immigration reform debate, hate crimes targeting Hispanic
6 Americans rose 40 percent from 2003 to 2007, marking four
7 consecutive years of increases; and

8 WHEREAS, The amount of anti-Semitic extremist rhetoric and
9 activity has increased, causing Jewish Americans and institutions
10 to fall victim to bias-motivated violence; and

11 WHEREAS, Despite the commitment of the United States to
12 further racial, religious, and cultural tolerance, embodied by the
13 repeal of the Chinese Exclusion Act of 1882, intolerance and
14 discrimination against immigrants and minority groups persist,
15 and the 73rd anniversary of the repeal of the Chinese Exclusion
16 Act of 1882, on December 17, 2016, represents a timely and
17 excellent opportunity for our nation to rededicate itself to the
18 eradication of intolerance and discrimination against immigrants
19 and minority groups; now, therefore, be it

20 *Resolved by the Senate of the State of California, the Assembly*
21 *thereof concurring*, That the Legislature joins all Californians
22 throughout the state in acknowledging December 17 each year as
23 an annual “Day of Inclusion” in recognition and appreciation of
24 the priceless contributions of all immigrants to the greatness of
25 the United States and especially to our great state, California; and
26 be it further

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

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