

AMENDED IN SENATE MAY 3, 2016

**Senate Concurrent Resolution**

**No. 94**

**Introduced by Senator Pan**

*(Coauthors: Senators Allen, Bates, Block, Fuller, Glazer, Hall,  
Hertzberg, Leno, and Wieckowski)*

*(Coauthors: Assembly Members Baker, Chang, Chávez, Chiu, Chu,  
Dodd, Cristina Garcia, Gonzalez, Kim, Lackey, Low, Ting, Wagner,  
and Williams)*

January 7, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

SCR 94, as amended, 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

1 WHEREAS, The Burlingame Treaty of 1868, which encouraged  
2 the flow of Chinese immigration, was signed into law with the  
3 intent to protect Chinese in the United States against discrimination,  
4 exploitation, and violence in the United States; and

5 WHEREAS, Chinese immigrants arrived in large numbers and  
6 greatly contributed to the advancement and progress of the United  
7 States to its position as one of the world's greatest superpowers,  
8 through contributions including assisting in building the first  
9 transcontinental railway connecting the country from east to west  
10 by laying down tracks throughout the dangerous Sierra Nevada  
11 mountain terrain, parting the waters to build the vital levees of the  
12 California Delta, and establishing California's world-class  
13 agriculture and fishing industries; and

14 WHEREAS, The Chinese Exclusion Act of 1882 was the first  
15 major law to single out and forbid a specific ethnic group, the  
16 Chinese, from immigrating to and becoming naturalized citizens  
17 of the United States, and was followed by the Geary Act of 1892,  
18 which extended the prohibitions of the Chinese Exclusion Act of  
19 1882 and imposed new and onerous requirements on Chinese  
20 immigrants; and

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

33 WHEREAS, The Chinese fought against unequal treatment and  
34 filed hundreds of appeals, resulting in 17 cases being brought  
35 before the United States Supreme Court, thereby invoking the  
36 protections of the Fourteenth Amendment to the Constitution of  
37 the United States; and

38 WHEREAS, The Chinese Exclusion Act, passed on May 6,  
39 1882, was finally repealed on December 17, 1943, by way of the  
40 Magnuson Act, marking a turning point in societal reaction toward

immigrants and their common ~~struggle~~ *struggles* for fairness and equality; and

WHEREAS, An abundant list of Chinese Americans have contributed their time, energy, and talents toward the betterment and progress of this nation and all peoples: Jerry Yang (cofounder of Yahoo! Inc.), Charles Wang (founder of Computer Associates International, Inc.), and others have founded and led some of this nation's great companies; John Liu Fugh (first Chinese American officer to attain the rank of General in the United States Army), Francis B. Wai (first Chinese American to receive the Medal of Honor), and others have contributed their lives in service to our nation; Tsung-Dao Lee (Nobel Prize recipient in Physics), Roger Y. Tsien (Nobel Prize recipient in Chemistry), and others have contributed their great skills and talents to the fields of science and mathematics; Hiram Leong Fong (first Chinese American to be elected as a United States Senator), Thomas Tang (first Chinese American appointed to the federal judiciary), and others have led and continue to lead at all levels of government; and

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

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

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

WHEREAS, On August 10, 1988, President Ronald W. Reagan signed the Civil Liberties Act of 1988, which found that Executive

1 Order 9066 was caused by racial prejudice, war hysteria, and a  
2 failure of political leadership, apologized on behalf of the people  
3 of the United States for the evacuation, internment, and relocation  
4 of Japanese Americans during World War II, and provided for  
5 restitution to those Japanese Americans who were interned; and

6 WHEREAS, The repeal of the Chinese Exclusion Act of 1882  
7 on December 17, 1943, 61 years after its enactment, marks the  
8 date when the United States expressed a commitment to break  
9 down cultural barriers, appreciate differences, enrich cultural  
10 diversity, and further racial, religious, and cultural tolerance; and

11 WHEREAS, According to the data from the United States  
12 Federal Bureau of Investigation, in concurrence with the ongoing  
13 immigration reform debate, hate crimes targeting Hispanic  
14 Americans rose 40 percent from 2003 to 2007, *inclusive*, marking  
15 four consecutive years of increases; and

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

19 WHEREAS, Despite the commitment of the United States to  
20 further racial, religious, and cultural tolerance, embodied by the  
21 repeal of the Chinese Exclusion Act of 1882, intolerance and  
22 discrimination against immigrants and minority groups persist,  
23 and the 73rd anniversary of the repeal of the Chinese Exclusion  
24 Act of 1882, on December 17, 2016, represents a timely and  
25 excellent opportunity for our nation to rededicate itself to the  
26 eradication of intolerance and discrimination against immigrants  
27 and minority groups; now, therefore, be it

28 *Resolved by the Senate of the State of California, the Assembly*  
29 *thereof concurring*, That the Legislature joins all Californians  
30 throughout the state in acknowledging December 17 each year as  
31 an annual “Day of Inclusion” in recognition and appreciation of  
32 the priceless contributions of all immigrants to the greatness of  
33 the United States and especially to our great state, California; and  
34 be it further

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

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