

Senate Concurrent Resolution No. 94

RESOLUTION CHAPTER 77

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

[Filed with Secretary of State July 7, 2016.]

LEGISLATIVE COUNSEL’S DIGEST

SCR 94, 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.

WHEREAS, In 1886, the United States Supreme Court, in *Yick Wo v. Hopkins* (1886) 118 U.S. 356, 369, stated that “the Fourteenth Amendment to the Constitution . . . says: ‘Nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.’ These provisions are universal in their application to all persons within the territorial jurisdiction, without regard to any differences of race, of color, or of nationality”; and

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

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

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

WHEREAS, In the wake of the Chinese Exclusion Act of 1882 and the Geary Act of 1892, additional laws were enacted to perpetuate discrimination and unequal treatment of Chinese and other minority groups, including numerous antiscegenation laws that prohibited marriage between white

women and men of minority background or ancestry; the Alien Land Law of 1913 that prohibited “aliens ineligible for citizenship” from owning land or property; the Cable Act of 1922 that terminated the United States citizenship of any woman who married an alien ineligible for United States citizenship; and the Immigration Act of 1924 that limited the number of immigrants who could be admitted from any country and prohibited the immigration of all Asians; and

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

WHEREAS, The Chinese Exclusion Act, passed on May 6, 1882, was finally repealed on December 17, 1943, by way of the Magnuson Act, marking a turning point in societal reaction toward immigrants and their common 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 the Partnership for a New American Economy, immigrants started 28 percent of all new businesses in 2011, despite accounting for just 13 percent of the United States population—an increase from 15 percent of all new United States businesses as measured in 1996; and in California, immigrants account for 27.2 percent of the population but own 36.6 percent of all businesses, and start 44.6 percent of all new businesses in the state; and

WHEREAS, According to the Fiscal Policy Institute, in 2007 small businesses owned by immigrants employed an estimated 4.7 million people nationwide, and generated more than \$776 billion in revenue annually; and according to a 2012 report by the Partnership for a New American Economy, immigrant-owned businesses produce more than \$34 billion per year in California alone, constituting 28.1 percent of all business income produced in the state and 4.2 percent of all business income in the United States; 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 Order 9066 was caused by racial prejudice, war hysteria, and a failure of political leadership, apologized on behalf of the people of the United States for the evacuation, internment, and relocation of Japanese Americans during World War II, and provided for restitution to those Japanese Americans who were interned; and

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

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

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

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

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature joins all Californians throughout the state in acknowledging 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 especially to our great state, California; and be it further

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