

AMENDED IN ASSEMBLY JULY 6, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

Assembly Concurrent Resolution

No. 76

**Introduced by Assembly Member Eng
(Coauthors: Assembly Members Furutani, Hayashi, Mendoza, and Swanson)**

May 26, 2009

Assembly Concurrent Resolution No. 76—Relative to Day of Inclusion.

LEGISLATIVE COUNSEL’S DIGEST

ACR 76, as amended, Eng. Day of Inclusion.

This measure would acknowledge December 17 as a “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

1 intent to protect Chinese in the United States against discrimination,
2 exploitation, and violence in the United States; and

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

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

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

31 WHEREAS, The Chinese fought against such unequal treatment
32 and filed hundreds of appeals, resulting in 17 cases being brought
33 before the United States Supreme Court, thereby invoking the
34 protections of the 14th Amendment to the Constitution of the
35 United States; and

36 WHEREAS, The Chinese Exclusion Act, passed on May 6,
37 1882, was finally repealed on December 17, 1943, by way of the
38 Magnuson Act, marking a turning point in societal reaction toward
39 immigrants and their common struggle for fairness and equality;
40 and

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

17 WHEREAS, According to data from the 2000 United States
18 Census, immigrant business owners generate \$67 billion of the
19 \$577 billion in United States business income, or approximately
20 12 percent, as estimated by the federal Small Business
21 Administration's Office of Advocacy; and

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

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

37 WHEREAS, *On August 10, 1988, President Ronald W. Reagan*
38 *signed the Civil Liberties Act of 1988, which found that Executive*
39 *Order 9066 was caused by racial prejudice, war hysteria, and a*
40 *failure of political leadership, apologized on behalf of the people*

1 *of the United States for the evacuation, internment, and relocation*
2 *of Japanese Americans during World War II, and provided for*
3 *restitution to those Japanese Americans who were interned; and*

4 WHEREAS, The repeal of the Chinese Exclusion Act of 1882
5 on December 17, 1943, 60 years after its enactment, marks the
6 date when the United States expressed a commitment to break
7 down cultural barriers, appreciate differences, enrich cultural
8 diversity, and further racial, religious, and cultural tolerance; ~~now,~~
9 ~~therefore, be it and~~

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

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

18 WHEREAS, Despite the commitment of the United States to
19 further racial, religious, and cultural tolerance, embodied by the
20 repeal of the Chinese Exclusion Act of 1882, intolerance and
21 discrimination against immigrants and minority groups persist,
22 and the 66th anniversary of the repeal of the Chinese Exclusion
23 Act of 1882, on December 17, 2009, represents a timely excellent
24 opportunity for our nation to rededicate itself to the eradication
25 of intolerance and discrimination against immigrants and minority
26 groups; now, therefore, be it

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

33 Resolved, That the Chief Clerk of the Assembly transmit copies
34 of this resolution to the author for appropriate distribution.