Assembly Concurrent Resolution No. 74

RESOLUTION CHAPTER 112

Assembly Concurrent Resolution No. 74—Relative to Filipino Americans.

[Filed with Secretary of State September 28, 2011.]

ACR 74, Alejo. Filipino Americans.

This measure would express the Legislature's apology, on behalf of the people of the state, for violations of the civil liberties and constitutional rights of Filipino Americans caused by antimiscegenation laws that precluded marriage between Filipinos and Caucasians, and its regret, on behalf of the people of the state, for the suffering and hardship endured by Filipino Americans as a result of governmental actions taken because of various policies and laws it enacted.

WHEREAS, Filipino Americans have a long and documented history of suffering discrimination, prejudice, and animosity in the State of California; and

WHEREAS, Filipino Americans endured past transgressions and wrongs committed against them through the implementation of state policies and the passage of certain laws, including the segregation of Filipino Americans through the use of separate public facilities and targeted policies; and

WHEREAS, In the 1920s, sentiment against Filipino Americans was fueled by the Department of Industrial Relations publishing "Facts about Filipino Immigration into California" that contained an introduction describing a "third wave of Filipino immigration," the pace of which was characterized as being too great, and that implied the wrong kind of Filipinos were immigrating to the state; and

WHEREAS, In 1921, the California Legislature passed an amendment to the Political Code that allowed the legal establishment of separate schools for children of Chinese, Japanese, Indian, or Mongolian heritage; and

WHEREAS, Once those schools were built, districts in Sacramento County maintained separate education facilities in the communities of Florin, Walnut Grove, Isleton, and Courtland, and Chinese, Japanese, and Filipino children in these school districts attended segregated schools until World War II; and

WHEREAS, Many counties in the state sought outside counsel on the question of whether a county could issue a marriage license to a Filipino and Caucasian couple, and in 1926, the Attorney General issued an opinion stating that Filipinos were part of the Mongolian race, and that marriage between Filipinos and Caucasians was prohibited under antimiscegenation laws prohibiting marriage between Mongolians and Caucasians; and

WHEREAS, In 1929, the California Legislature passed a resolution requesting an enactment by the United States Congress to restrict Filipino immigration; and

WHEREAS, The Northern Monterey Chamber of Commerce adopted anti-Filipino resolutions proclaiming that Filipinos were undesirable, depressed the wage scale of other nationalities, possessed unhealthy habits, and brought in disease; and

WHEREAS, In 1930, the most explosive anti-Filipino riot occurred in Watsonville where Filipinos were relentlessly harassed, and the riot culminated in the killing of Fermin Tobera; and

WHEREAS, Anti-Filipino riots quickly spread throughout California to cities such as Stockton, San Francisco, Salinas, and San Jose; and

WHEREAS, Anti-Filipino vigilante groups committed acts of violence due to the beliefs that Filipino field laborers were intermingling with Caucasian women, depressing wages in the harvest fields, and taking jobs belonging to Americans; and

WHEREAS, In 1933, the California Legislature amended its antimiscegenation law to cause any marriage of Caucasians with "negroes, Mongolians, members of the Malay race, or mulattoes to be illegal and void"; and

WHEREAS, In 1934, the federal government passed the Tydings-McDuffie Act, also known as the Philippine Independence Act, which limited Filipino immigration to the United States to 50 persons per year; and

WHEREAS, Section 8 of the Tydings-McDuffie Act recognized the Philippine Islands as a separate country and restricted immigration by considering citizens of the Philippine Islands who were not citizens of the United States to be aliens; and

WHEREAS, The Tydings-McDuffie Act paved the way for the Filipino Repatriation Act of 1935; and

WHEREAS, In 1935, the United States Congress passed the Filipino Repatriation Act, which encouraged Filipinos to return to the Philippines voluntarily; however, those that chose to leave the United States and wanted to return were subject to the 50-person quota established in the Tydings-McDuffie Act; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature, on behalf of the people of the state, apologizes to Filipino Americans in California for fundamental violations of basic constitutional and civil rights through de jure and de facto discrimination committed during the 1920s through the 1940s; and be it further

Resolved, That the Legislature, on behalf of the people of the state, expresses regret for amending the Political Code to allow separate schools for children of Chinese, Japanese, Indian, or Mongolian heritage; and be it further

Resolved, That the Legislature, on behalf of the people of the state, expresses regret for the passage of a resolution requesting that the United States Congress restrict Filipino immigration; and be it further

Resolved, That the Legislature, on behalf of the people of the state, apologizes to Filipino Americans for violations of civil liberties and constitutional rights caused by antimiscegenation laws that prohibited marriage between Filipinos and Caucasians; and be it further

Resolved, That the Legislature, on behalf of the people of the state, expresses its regret for the suffering and hardship those individuals and their families endured as a direct result of governmental actions taken because of the state's various policies and laws that it had enacted; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Members of the Legislature and to the author for appropriate distribution.

O