

Introduced by Senators De León, Hernandez, Lara, and Torres

May 7, 2014

Senate Joint Resolution No. 26—Relative to Chinese Americans in California.

LEGISLATIVE COUNSEL’S DIGEST

SJR 26, as introduced, De León. Chinese Americans in California.

This measure would acknowledge the history of the Chinese in California, would recognize the contributions made to the State of California by Chinese Americans and Chinese immigrants, would apologize for past discriminatory laws and constitutional provisions that resulted in the persecution of Chinese living in California, and would request Congress to adopt resolutions of apology to the Chinese American community for the enactment of the federal Chinese Exclusion Laws.

Fiscal committee: no.

1 WHEREAS, The California gold rush triggered one of the largest
2 mass migrations in world history and captured the global
3 imagination as the destination for wealth and opportunity. That
4 global migration made California one of the world’s most diverse
5 states, which would serve as the foundation for its economic,
6 academic, and cultural growth in the 20th century; and
7 WHEREAS, The California gold rush paved the way in funding
8 and manpower for the creation and building of the western leg of
9 the transcontinental railroad. The transcontinental railroad was
10 considered the greatest American technological feat of the 19th
11 century, was a dream of Abraham Lincoln’s, and was what many
12 considered the most important aspect in strengthening the position

1 of the United States in the international spotlight. The track served
2 as a vital link for trade, commerce, and travel by joining east and
3 west, further transforming the population and economy of
4 California; and

5 WHEREAS, The Central Pacific portion of the transcontinental
6 railroad recruited the Chinese in America and later tens of
7 thousands of Chinese immigrants as a source of labor. Chinese in
8 America and Chinese immigrants were paid less than their white
9 counterparts and slept in tents while white laborers were provided
10 both food and shelter. Chinese laborers worked under grueling and
11 treacherous conditions in order to lay thousands of miles of track.
12 On May 10, 1868, alone, Chinese workers laid 10 miles of track
13 in less than 12 hours in order to complete the last leg of the
14 railroad. Without the tremendous efforts and contributions of
15 Chinese in building the transcontinental railroad, the development
16 and progress of our nation and California would have been delayed
17 by years; and

18 WHEREAS, Once the transcontinental railroad was complete,
19 Chinese in California transitioned to other types of employment,
20 making considerable contributions to the progress and growth of
21 our state. Chinese in California built ships for fishing along our
22 coast and developed the abalone and shrimp industries. In the Delta
23 and the central valley, Chinese in California helped to recover the
24 tule swamps, to build irrigation systems, and to harvest various
25 fruits and vegetables for California's agriculture industry; and

26 WHEREAS, The Legislature enacted discriminatory laws
27 targeting Chinese in America and Chinese immigrants in order to
28 discourage further immigration from China and sought to severely
29 limit the success of Chinese laborers already here; and

30 WHEREAS, Among other things, these laws denied Chinese in
31 California the right to own land or property, the right to vote, and
32 the right to marry a white person, denied children of Chinese
33 descent access to public schools, denied Chinese immigrants the
34 right to bear arms, unfairly targeted women of Chinese descent by
35 imposing special requirements in order for them to be allowed to
36 immigrate into the state, authorized the removal of Chinese
37 immigrants to outside town and city limits, denied Chinese laborers
38 employment in public works projects and, through state agencies,
39 prohibited the issuance of licenses to Chinese in California, denied
40 Chinese in California the right to fish in California's waters, and

1 unduly taxed Chinese businesses and individuals who employed
2 Chinese laborers; and

3 WHEREAS, Chinese in California were denied the right to
4 testify as a witness in any action or proceeding in which a white
5 person was a party, pursuant to a state law that was upheld in
6 *People v. Hall* (1854) 4 Cal. 399. As a result of the decision to
7 place Chinese in California outside of the protection of the law,
8 many Chinese in California were left extremely vulnerable to
9 violence and abuse; and

10 WHEREAS, Chinese in California faced further discrimination
11 under local ordinances which targeted traditional Chinese culture
12 and customs. Laws were enacted forcing Chinese men in San
13 Francisco to cut off their traditional queues, banning the Chinese
14 traditional style of transporting fruits and vegetables, unjustly
15 raising taxes on Chinese-owned laundromats, targeting the Chinese
16 custom of disinterring the remains of their deceased to send back
17 to China for proper burial, and forcing Chinese in San Francisco
18 to live within an area that was considered unsanitary and unsafe
19 to ordinary individuals. These laws were enacted in order to impose
20 shame and humiliation on Chinese Americans and Chinese
21 immigrants; and

22 WHEREAS, California lobbied Congress for years to strictly
23 prohibit immigration from China, and in 1882, was successful in
24 convincing Congress to enact the Chinese Exclusion Act, the first
25 federal law ever passed excluding a group of immigrants solely
26 on the basis of race or nationality. The Chinese Exclusion Act set
27 the precedent for racist foreign and national policy that led to
28 broader exclusion laws and fostered an environment of racism that
29 quickly led to the Jim Crow laws of the 1880s and further
30 segregation legislation that would tear our nation apart throughout
31 most of the 20th century; and

32 WHEREAS, Paradoxically, the very same year that the Chinese
33 Exclusion Act was passed, financing abroad was completed for
34 the Statue of Liberty. The Statue of Liberty is a sign of freedom
35 and democracy and was built and presented to the United States
36 at the same time that Chinese Americans and Chinese immigrants
37 were being denied freedom and democracy. The Statue of Liberty
38 is our nation's great symbol of hope and justice for all who live,
39 and all who wish to live, in the United States of America. While
40 the Statue of Liberty was being built, legislators were contradicting

1 those very ideals by discriminating against Chinese immigrants
2 and lobbying Congress to do the same; and

3 WHEREAS, The Chinese Exclusion Act, which originally
4 expired in 1892, was extended by Congress for 10 years in the
5 form of the Geary Act and made permanent in 1902. It remained
6 in effect until it was repealed in 1943 as a result of the alliance
7 forged between China and the United States during World War II.
8 Chinese were once again allowed to immigrate to the United States,
9 and shortly thereafter California's Angel Island ceased to be used
10 as a detention center for Chinese immigrants; and

11 WHEREAS, Former Article XIX of the California Constitution,
12 which was adopted in 1879 and unfairly targeted and discriminated
13 against Chinese living in California, remained in effect for 73 years
14 until it was repealed in 1952; and

15 WHEREAS, Despite decades of systematic, pervasive, and
16 sustained discrimination, Chinese living in California persevered
17 and went on to make significant contributions to the growth and
18 success of our state; and

19 WHEREAS, Today, Californians of Chinese descent occupy
20 leading roles in politics, business, and academia. The contributions
21 of Chinese Americans to the State of California are vast and
22 irreplaceable. They have played a central role in turning
23 California's university system, technology industry, businesses,
24 and agriculture into a world power; now, therefore, be it

25 *Resolved by the Senate and the Assembly of the State of*
26 *California, jointly*, That diversity is one of our state's greatest
27 strengths, enabling California to thrive economically, agriculturally,
28 technologically, academically, and politically at an international
29 level. Our great state has relied on immigrants of all backgrounds
30 to build our infrastructure, and integrating them into our society
31 not only helps them prosper, but helps California prosper as well;
32 and be it further

33 *Resolved*, That while this nation was founded on the principle
34 that all men are created equal, and while we pay tribute to the great
35 American creed, "give me your tired, your poor, your huddled
36 masses yearning to breathe free," which is inscribed on the base
37 of America's Statue of Liberty, a symbol of hope for all who live,
38 and all who wish to live, in the United States of America, we
39 recognize that the practices of our state and its government have
40 not always honored that promise. Ours is a state with an imperfect

1 history where intolerance spurred the enactment of unjust
2 discriminatory laws that have too often denied minority groups
3 access to the promise of America, that all men are created equal.
4 Today that struggle continues, and learning from our past will help
5 enable us to travel further down the path toward building a more
6 perfect Union; and be it further

7 *Resolved*, That the Legislature apologizes to Chinese people for
8 the enactment of past discriminatory laws and constitutional
9 provisions, which resulted in the persecution of Chinese living in
10 California, which forced them to live in fear of unjust prosecutions
11 on baseless charges, and which unfairly prevented them from
12 earning a living. The Legislature reaffirms its commitment to
13 preserving the rights of all people and celebrating the contributions
14 that all immigrants have made to this state and nation; and be it
15 further

16 *Resolved*, That the Legislature requests Congress to adopt
17 resolutions of apology to the Chinese American community for
18 the enactment of the Chinese Exclusion Laws; and be it further

19 *Resolved*, That the Secretary of the Senate transmit copies of
20 this resolution to the President of the United States Senate, the
21 Speaker of the House of Representatives, to each Senator and
22 Representative from California in the Congress of the United
23 States, and to the author for appropriate distribution.