

EXHIBIT 2

CFR et al v. Padilla et al.

Case No. 2:17-cv-00973-KJM-CMK

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**Assembly Concurrent Resolution No. 42**

CHAPTER 79

Relative to Chinese Americans in California.

[Filed with Secretary of State July 17, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

ACR 42, Fong. Chinese Americans in California.

This measure would acknowledge the history of the Chinese in California, recognize the contributions made to the State of California by Chinese Americans and Chinese immigrants, and express regret for past discriminatory laws and constitutional provisions which resulted in the persecution of Chinese living in California.

Fiscal Committee: no

WHEREAS, The California gold rush triggered one of the largest mass migrations in world history and captured global imagination as the destination for wealth and opportunity. That global migration made California one of the world's most diverse states which would serve as the foundation for its economic, academic, and cultural growth in the 20th century; and

WHEREAS, The California gold rush paved the way in funding and manpower for the creation and building of the western leg of the transcontinental railroad. The transcontinental railroad was considered the greatest American technological feat of the 19th century, was a dream of Abraham Lincoln's, and was what many considered the most important aspect in strengthening the position of the United States in the international spotlight. The track served as a vital link for trade, commerce, and travel by joining east and west, further transforming the population and economy of California; and

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

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

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

WHEREAS, Among other things, these laws denied the Chinese in California the right to own land or property, the right to vote, and the right to marry a white person, denied children of Chinese descent access to public schools, denied Chinese immigrants the right to bear arms, unfairly targeted women of Chinese descent by imposing special requirements in order for them to be allowed to immigrate into the state, authorized the removal of Chinese immigrants to outside town and city limits, denied Chinese laborers employment in public works projects and through state agencies, prohibited the issuance of licenses to Chinese in California, denied Chinese in California the right to fish in California's waters, and unduly taxed Chinese businesses and individuals who employed Chinese laborers; and

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

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

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

WHEREAS, Paradoxically, the very same year that the Chinese Exclusion Act was passed, financing abroad was completed for the Statue of Liberty. The Statue of Liberty is a sign of freedom and democracy and was built and presented to the United States at the same time that Chinese Americans and Chinese immigrants were being denied freedom and democracy. The Statue of Liberty is our nation's great symbol of hope and justice for all who live, and all who wish to live, in the United States of America. While the Statue of Liberty was being built, legislators were contradicting those very ideals by discriminating against Chinese immigrants and lobbying Congress to do the same; and

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

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

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

WHEREAS, Today, Californians of Chinese descent occupy leading roles in politics, business, and academia. Currently there are 10 Chinese Americans serving in California's constitutional and statewide offices. Jerry Yang, former CEO of Yahoo! Inc., is a California resident. University of California, San Diego, Professor Roger Y. Tsien was awarded the 2008 Nobel Prize in chemistry for his discovery and development of the green fluorescent protein. And this year, California resident Steven Chu, former President of California's Lawrence Livermore National Laboratory and a Nobel Prize winner in Physics, was appointed by President Obama and sworn in as the Secretary of Energy. The contributions of Chinese Americans to the State of California are vast and irreplaceable.

They have played a central role in turning California's university system, technology industry, businesses, and agriculture into a world power; now, therefore, be it

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

Resolved, That while this nation was founded on the principle that all men are created equal, and while we pay tribute to the great American creed "give me your tired, your poor, your huddled masses yearning to breathe free" which stands at the base of America's Statue of Liberty, a symbol of hope for all who live, and all who wish to live, in the United States of America, we recognize that the practices of our state and its government have not always honored that promise. Ours is a state with an imperfect history where intolerance spurred the enactment of unjust discriminatory laws that have too often denied minority groups access to the promise of America, that all men are created equal. Today that struggle continues, and learning from our past will help enable us to travel further down the path toward building a more perfect Union; and be it further

Resolved, That the Legislature deeply regrets the enactment of past discriminatory laws and constitutional provisions which resulted in the persecution of Chinese living in California, which forced them to live in fear of unjust prosecutions on baseless charges, and which unfairly prevented them from earning a living. The Legislature regrets these acts and reaffirms its commitment to preserving the rights of all people and celebrating the contributions that all immigrants have made to this state and nation; and be it further

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

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**Senate Joint Resolution No. 23**

CHAPTER 134

Relative to Chinese Americans in California.

[Filed with Secretary of State August 28, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 23, Huff. 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, and would request Congress to adopt resolutions of apology to the Chinese American community for enactment of the Chinese exclusion laws.

Fiscal Committee: no

WHEREAS, Chinese Americans have a long and rich history in the United States and California; and

WHEREAS, The many contributions of Chinese Americans, both past and present, should be acknowledged and celebrated; and

WHEREAS, Since the late 19th century, Congress enacted adverse laws specifically targeting Chinese people on the basis of race, most notably the Chinese Exclusion Act of 1882; and

WHEREAS, During this period, growth in the Chinese population, combined with economic regression, led to pervasive anti-Chinese sentiments, especially in California and the American West; and

WHEREAS, California's stance against the Chinese community influenced the promotion and passage of the federal Chinese Exclusion Act; and

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

WHEREAS, The Chinese Exclusion Act and later amendments to the act not only established barriers exclusively for Chinese attempting to enter the country, it also placed discriminatory restrictions on those already living in the United States, such as requiring Chinese laborers who desired to reenter the country to obtain "certificates of return"; and

WHEREAS, Paradoxically, the very same year that the Chinese Exclusion Act was passed, financing abroad was completed for the Statue of Liberty. The Statue of Liberty is a sign of freedom and democracy and was built and

presented to the United States at the same time that Chinese Americans and Chinese immigrants were being denied freedom and democracy. The Statue of Liberty is our nation's great symbol of hope and justice for all who live, and all who wish to live, in the United States of America. While the Statue of Liberty was being built, legislators were contradicting those very ideals by discriminating against Chinese immigrants and lobbying Congress to do the same; and

WHEREAS, Some congressional legislators did warn against the moral bankruptcy of the Chinese Exclusion Act by appealing to America's ideals. Senator George Frisbie Hoar debated against the measure before the United States Senate, stating, "Nothing is more in conflict with the genius of American institutions than legal distinctions based upon race or occupation. The framers of our Constitution believed in the safety and wisdom of adherence to abstract principles. They meant that their laws should make no distinction between men except as were required by personal conduct and character"; and

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

WHEREAS, The Chinese Exclusion Act is inconsistent with the founding principles of the United States, including that all men are created equal; and

WHEREAS, In 2011, by unanimous consent, the United States Senate passed Senate Resolution 201 (S. Res. 201), expressing regret for the passage of the Chinese Exclusion Act of 1882 and other legislation that discriminated against people of Chinese origin in the United States; and

WHEREAS, In 2012, the United States House of Representatives unanimously passed House Resolution 683 (H. Res. 683), expressing regret for passage of the Chinese Exclusion Act of 1882 and other legislation that discriminated against people of Chinese origin in the United States; and

WHEREAS, The congressional sponsors of H. Res. 683 and S. Res. 201 are appreciated and commended for achieving expressions of regret for State discriminatory legislation targeting the Chinese based upon race; and

WHEREAS, Congress has never afforded a formal apology for the legalized governmental mistreatment marked by the Chinese Exclusion Act; and

WHEREAS, The United States Congress has demonstrated that an apology, not an expression of regret, is most appropriate for redressing past transgressions. Congress has previously apologized for enacting discriminatory legislation to Japanese Americans in 1988, to Native Hawaiians in 1993, to African Americans in 2008 and 2009, and to Native Americans in 2009; and

WHEREAS, There are important distinctions between an expression of regret and an apology; and

WHEREAS, An expression of regret conveys sorrow for hardship or suffering, while an apology acknowledges culpability for actions contributing to that hardship or suffering; and

WHEREAS, It is important that the United States Congress make a formal and sincere apology for the enactment of the discriminatory laws that adversely affected Chinese Americans, so that democracy, justice, and equality for all of its citizens can be achieved, and to strengthen the diversity in the United States that contributes to the country's economic, cultural, technological, academic, and political growth; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature requests Congress to adopt resolutions of apology to the Chinese American community for the enactment of the Chinese exclusion laws; and be it further

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

H. Res. 683

In the House of Representatives, U. S.,

June 18, 2012.

Whereas many Chinese came to the United States in the 19th and 20th centuries, as did people from other countries, in search of the opportunity to create a better life;

Whereas the United States ratified the Burlingame Treaty on October 19, 1868, which permitted the free movement of the Chinese people to, from, and within the United States and made China a “most favored nation”;

Whereas in 1878, the House of Representatives passed a resolution requesting that President Rutherford B. Hayes renegotiate the Burlingame Treaty so Congress could limit Chinese immigration to the United States;

Whereas, on February 22, 1879, the House of Representatives passed the Fifteen Passenger Bill, which only permitted 15 Chinese passengers on any ship coming to the United States;

Whereas, on March 1, 1879, President Hayes vetoed the Fifteen Passenger Bill as being incompatible with the Burlingame Treaty;

Whereas, on May 9, 1881, the United States ratified the Angell Treaty, which allowed the United States to suspend, but not prohibit, immigration of Chinese laborers, declared that “Chinese laborers who are now in the

United States shall be allowed to go and come of their own free will,” and reaffirmed that Chinese persons possessed “all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation”;

Whereas the House of Representatives passed legislation that adversely affected Chinese persons in the United States and limited their civil rights, including—

(1) on March 23, 1882, the first Chinese Exclusion bill, which excluded for 20 years skilled and unskilled Chinese laborers and expressly denied Chinese persons alone the right to be naturalized as American citizens, and which was opposed by President Chester A. Arthur as incompatible with the terms and spirit of the Angell Treaty;

(2) on April 17, 1882, intending to address President Arthur’s concerns, the House passed a new Chinese Exclusion bill, which prohibited Chinese workers from entering the United States for 10 years instead of 20, required certain Chinese laborers already legally present in the United States who later wished to reenter the United States to obtain “certificates of return,” and prohibited courts from naturalizing Chinese individuals;

(3) on May 3, 1884, an expansion of the Chinese Exclusion Act, which applied it to all persons of Chinese descent, “whether subjects of China or any other foreign power”;

(4) on September 3, 1888, the Scott Act, which prohibited legal Chinese laborers from reentering the United States and cancelled all previously issued “certificates of return,” and which was later determined by the Supreme Court to have abrogated the Angell Treaty; and

(5) on April 4, 1892, the Geary Act, which reauthorized the Chinese Exclusion Act for another ten years, denied Chinese immigrants the right to be released on bail upon application for a writ of habeas corpus, and contrary to customary legal standards regarding the presumption of innocence, authorized the deportation of Chinese persons who could not produce a certificate of residence unless they could establish residence through the testimony of “at least one credible white witness”;

Whereas in the 1894 Gresham-Yang Treaty, the Chinese government consented to a prohibition of Chinese immigration and the enforcement of the Geary Act in exchange for readmission to the United States of Chinese persons who were United States residents;

Whereas in 1898, the United States annexed Hawaii, took control of the Philippines, and excluded only the residents of Chinese ancestry of these territories from entering the United States mainland;

Whereas, on April 29, 1902, as the Geary Act was expiring, Congress indefinitely extended all laws regulating and restricting Chinese immigration and residence, to the extent consistent with Treaty commitments;

Whereas in 1904, after the Chinese government withdrew from the Gresham-Yang Treaty, Congress permanently extended, “without modification, limitation, or condition,” the prohibition on Chinese naturalization and immigration;

Whereas these Federal statutes enshrined in law the exclusion of the Chinese from the democratic process and the promise of American freedom;

Whereas in an attempt to undermine the American-Chinese alliance during World War II, enemy forces used the Chinese exclusion legislation passed in Congress as evidence of anti-Chinese attitudes in the United States;

Whereas in 1943, in furtherance of American war objectives, at the urging of President Franklin D. Roosevelt, Congress repealed previously enacted legislation and permitted Chinese persons to become United States citizens;

Whereas Chinese-Americans continue to play a significant role in the success of the United States; and

Whereas the United States was founded on the principle that all persons are created equal: Now, therefore, be it

Resolved,

SECTION 1. ACKNOWLEDGEMENT.

That the House of Representatives regrets the passage of legislation that adversely affected people of Chinese origin in the United States because of their ethnicity.

SEC. 2. DISCLAIMER.

Nothing in this resolution may be construed or relied on to authorize or support any claim, including but not limited to constitutionally based claims, claims for monetary compensation or claims for equitable relief against the United

States or any other party, or serve as a settlement of any claim against the United States.

Attest:

Clerk.