

July 17, 2009 commemorates passage of Assembly Concurrent Resolution (ACR) 42 apologizing for California's mistreatment of Chinese immigrants and their descendants.

Tens of thousands of Chinese immigrants arrived in the United States in the mid-Nineteenth Century, eager to join in on the California Gold Rush of 1849. They called America "Gold Mountain." The first Chinese to arrive were mostly welcomed. California needed workers and didn't particularly care where they came from at first. As the number of Chinese workers quickly grew that changed as the Chinese started to be seen as threats.

There was soon immense political pressure to limit the competition for gold as Chinese flocked to the gold fields. The new state government quickly passed the 1850 Foreign Miner's Tax Act that required all foreigners to pay \$20 for a license to mine (in 2008 this would have been the equivalent of a little over \$4000.) The Chinese were the only ones targeted even though people from all around the world were coming to California for gold. It proved to be a failure as deterrent though as most Chinese somehow found ways to pay the tax and keep mining.

Unofficial means were quickly found to limit Chinese competition that was soon sanctioned by state law and the courts. In the case of *People v. Hall* in 1854, the California Supreme Court ruled that the testimony of Chinese was inadmissible in court, extending existing state laws that barred African and Native Americans from testifying. Hall had killed a Chinese miner and the only witnesses were three other Chinese. This ruling made it impossible for Hall to be convicted for murder and extended that protection to anyone that wanted to murder Chinese. Other restrictive laws and court rulings followed including more taxes selectively enforced against Chinese, restrictions on interracial marriages, and permission explicitly granted by the State Constitution of 1879 to "delegate all necessary power to the incorporated cities and towns of this state for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits." Other Western American states passed similar laws following the California example. Officially sanctioned violence in small towns and cities across the West drove many Chinese to flee and then concentrate in ethnic enclaves like the famous Chinatowns of San Francisco and Los Angeles or out-of-the-way small towns such as Locke in California's Central Valley.

The Chinese had built many things that benefited the United States in the thirty years from 1850 to 1880; the Transcontinental Railroad completed in 1869 linked the eastern and western halves of the nation at the cost of thousands of Chinese lives. Chinese had also built the dams, levees, and irrigation channels of the Central Valley, today the multi-billion dollar center of California's agricultural business. In fact, the economy of the Western United States had relied on these workers to do the jobs that most whites didn't want. But the longer they stayed the more sophisticated and educated the Chinese workers became in competing for increasingly scarce jobs.

In the spring of 1882, under pressure from the Western states with California leading the charge, the Chinese Exclusion Act was passed by the US Congress. This law called for a moratorium on Chinese immigration. This was extended by the Geary Act in 1892 for another ten years, extensions of which continued until 1943. Embarrassed by Japanese propaganda about American discrimination against their Chinese allies during World War II led the US Government to repeal the act but Chinese immigration was still limited to just 105 persons per year until 1965.

Paul Fong, a Democratic California State Assembly member, introduced and successfully passed Assembly Concurrent Resolution No. 42 (ACR 42) on July 17, 2009, formally apologizing for the past actions of the State in California in encouraging and passing discriminatory laws against Chinese Americans. ACR 42 also recognized Chinese's contributions to California such as the important role they had in building the basic infrastructure of California and the Transcontinental Railroad.

Before he became a State Assembly member, Paul Fong was a Political Science Professor for 30 years, specializing in Asian American Studies. He knew the history of Asian Americans in the United States well. Now that he held political office in Sacramento, he thought that he should educate future generations about the importance of history and add another hidden chapter to the history books about California. Fong strongly pressed for the inclusion of injustices against Chinese Americans as well as injustices against Native Americans, African Americans, and Japanese Americans in school history curriculums.

His zeal about confronting these issues comes from the personal experiences of his own family and the discrimination they faced. Assemblymember Fong's grandfather was detained at Angel Island Immigration Station for two months before being allowed access into California as a result of the Chinese Exclusion Act and the strenuous efforts of the US Government to enforce the discriminatory immigration law. He tried to establish his own business but was denied the right to own his own real estate property. Fong's grandfather also had to wait a very long time to bring his family together in the United States as their case worked its way slowly through bureaucratic system. During that time, a sense of loneliness, homesickness, and a sense of injustice added to the incredible pressure which his grandfather's had to endure, something that marked the Fong family for generations.

He says that, "As a student I fought to keep ethnic studies courses in the curriculum. As a professor, I taught the next generation of students about Chinese American history and culture. As an Assembly member, I'm paving the way for future Asian American legislators. I encourage the Chinese and other Asian communities to speak up for representation and fight to keep history alive. By using our voices, Chinese Americans can have strong representation and respect."

Although the era of legalized discrimination against the Chinese has passed and the Chinese American community as a whole is today very successful, we cannot forget the discrimination. As Assemblymember Fong says, "Like any wound that goes unattended, the pain, though perhaps diminished, still exists. As an academic, economic, and cultural state known around the world, California's success depends on its diversity. However, behind the many accomplishments, a shadow of shame, a history of racism and discrimination, which many have attempted to forget. Acknowledging our past wrongs will allow us to avoid repeating them in the future." Fong then

repeated a famous quote from history and warns, “Those who do not learn from history are doomed to repeat it.” The text of ACR 42 states, “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.”

In his quest to build that more perfect Union, words found in the opening words of the United States Constitution, Assemblymember Fong is currently pushing for federal legislation that would offer an apology for the passage of the Chinese Exclusion Act of 1882. He says, “The Constitution, the Declaration of Independence, the Emancipation Proclamation, and the other great documents which set forth the core values of America are inspirations, aspirations that can only be given meaning with exercise and effort. ACR 42 opens a dialogue to discuss racism and discrimination. My hope is that the nation will join the conversation and applaud the passage of ACR 42.”

ACR 42 reminds us of the hard times the ancestors of many of our fellow Americans faced and makes us thankful for the relative equality we have in living in the United States today. We wish Assemblymember Fong success and appreciation for what he has done.