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H. RES. 282

Expressing the regret of the House of Representatives for the passage of discriminatory laws against the Chinese in the United States, including the Chinese Exclusion Act.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

Ms. CHU (for herself, Mrs. BIGGERT, Mr. COFFMAN of Colorado, and Mr. ROHRABACHER) submitted the following resolution; which was referred to the Committee on the Judiciary

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RESOLUTION

Expressing the regret of the House of Representatives for the passage of discriminatory laws against the Chinese in the United States, including the Chinese Exclusion Act.

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

Whereas the contributions of persons of Chinese descent in the agriculture, mining, manufacturing, construction, fishing, and canning industries were critical to establishing the foundations for economic growth in the Nation, particularly in the Western United States;

Whereas United States industrialists recruited thousands of Chinese workers to assist in the construction of the Nation's first major national transportation infrastructure, the Transcontinental Railroad;

Whereas Chinese laborers, who made up the majority of the western portion of the railroad workforce, faced grueling hours and extremely harsh conditions in order to lay hundreds of miles of track and were paid substandard wages;

Whereas without the tremendous efforts and technical contributions of these Chinese immigrants, the completion of this vital national infrastructure would have been seriously impeded;

Whereas from the middle of the 19th century through the early 20th century, Chinese immigrants faced racial ostracism and violent assaults, including the 1887 Snake River Massacre in Oregon, at which 31 Chinese miners were killed, and numerous other incidents, including attacks on Chinese immigrants in Rock Springs, San Francisco, Tacoma, and Los Angeles;

Whereas the United States instigated the negotiation of the Burlingame Treaty, ratified on October 19, 1868, which permitted the free movement of the Chinese people to, from, and within the United States and accorded to China the status of ''most favored nation'';

Whereas Chinese immigrants were subject to the over-zealous implementation of the Page Act of 1875 (18 Stat. 477), which ostensibly barred the importation of women from ''China, Japan or any Oriental country'' for purposes of prostitution but was disproportionately enforced against Chinese women, effectively preventing the formation of Chinese families in the United States;

Whereas, in 1878, notwithstanding the freedom of movement promised to Chinese immigrants by the Burlingame Treaty, the House of Representatives passed a resolution requesting that President Rutherford B. Hayes renegotiate the Treaty so that legislation could be passed limiting Chinese immigration to the United States;

Whereas, on February 22, 1879, notwithstanding the fact that the Burlingame Treaty had not been renegotiated, the House passed the Fifteen Passenger Bill, which would have limited the number of Chinese passengers permitted on any ship coming to the United States to 15, with the House Committee Report stressing the Chinese people's ''sordid, selfish, immoral and non-amalgamating habits'';

Whereas, on March 1, 1879, President Hayes vetoed the Fifteen Passenger Bill as being incompatible with the Burlingame Treaty, which declared that ''Chinese subjects visiting or residing in the United States, shall enjoy the same privileges . . . in respect to travel or residence, as may there be enjoyed by the citizens and subjects of the most favored nation'';

Whereas in the aftermath of the veto of the Fifteen Passenger Bill, President Hayes initiated the renegotiation of the Burlingame Treaty, requesting that the Chinese government consent to restrictions on the immigration of Chinese persons to the United States;

Whereas these negotiations culminated in the Angell Treaty, ratified by the United States on May 9, 1881, which allowed the United States to suspend, but not to prohibit, the 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 re-

affirmed 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, on March 23, 1882, the House passed the first Chinese Exclusion Act, which purported to implement the Angell Treaty but instead excluded for 20 years both skilled and unskilled Chinese laborers, rejected an amendment that would have permitted the naturalization of Chinese persons, and instead expressly denied Chinese persons the right to be naturalized as American citizens;

Whereas, on April 4, 1882, President Chester A. Arthur vetoed the first Chinese Exclusion Act as being incompatible with the terms and spirit of the Angell Treaty;

Whereas, on April 17, 1882, under suspension of the rules, the House passed the second Chinese Exclusion Act which prohibited skilled and unskilled Chinese laborers from entering the United States for 10 years, was the first Federal law that excluded a single group of people on the basis of race, and required certain Chinese laborers already legally present in the United States who later wished to reenter the United States to obtain ''certificates of return'', an unprecedented requirement that applied only to Chinese residents;

Whereas in response to reports that courts were bestowing United States citizenship on persons of Chinese descent, the Chinese Exclusion Act of 1882 explicitly prohibited all State and Federal courts from naturalizing Chinese persons;

Whereas the Chinese Exclusion Act of 1882 underscored the belief of Congress at that time that the Chinese people

were unfit to be naturalized and, as expressed in the House Committee Report accompanying that Act, that the Chinese came to the United States ''without the intention to make it their permanent residence'' and ''that they retain their distinctive peculiarities and characteristics, refusing to assimilate themselves to our institutions, and remaining a separate and distinct class, intrenched [sic] behind immovable prejudices; that their ignorance or disregard of sanitary laws, as evidenced in their habits of life, breeds disease, pestilence, and death; that their claim of superiority as to religion and civilization, destroys all hope of their improvement from contact with our institutions'';

Whereas, on May 3, 1884, notwithstanding United States treaty obligations with China and other nations, the House by a vote of 184–13 broadened the scope of the Chinese Exclusion Act to apply it to all persons of Chinese descent, ''whether subjects of China or any other foreign power'', and to provide more stringent requirements restricting Chinese immigration;

Whereas, on September 3, 1888, the House by voice vote passed the Scott Act, which prohibited all Chinese laborers who would choose or had chosen to leave the United States from reentering, cancelled all previously issued ''certificates of return'' preventing approximately 20,000 Chinese laborers abroad, including 600 individuals who were en route to the United States, from returning to their families or their homes, and was later determined by the Supreme Court to have abrogated the Angell Treaty;

Whereas, on April 4, 1892, under suspension of the rules, the House passed the Geary Act, which extended the Chinese

Exclusion Act another 10 years, required that all Chinese persons in the United States, but no other race of people, register with the Federal Government in order to obtain ''certificates of residence'', and denied Chinese immigrants the right to be released on bail upon application for a writ of habeas corpus;

Whereas, on an explicitly racial basis, the Geary Act deemed the testimony of Chinese persons, including American citizens of Chinese descent, per se insufficient to establish the residency of a Chinese person subject to deportation, mandating that such residence be established 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 of previous Chinese residents;

Whereas, in 1898, the United States annexed Hawaii, took control of the Philippines, and excluded thousands of racially Chinese residents of Hawaii and the Philippines from entering the United States mainland;

Whereas, on April 29, 1902, Congress indefinitely extended all laws regulating and restricting Chinese immigration and residence, and expressly applied such laws to United States insular territories, including the Philippines;

Whereas, in 1904, after the Chinese government exercised its unilateral right to withdraw from the Gresham-Yang Treaty, Congress permanently extended, ''without modification, limitation, or condition'', all restrictions on Chinese immigration and naturalization, making the Chinese the only racial group explicitly singled out for immigra-

tion exclusion and permanently ineligible for American citizenship;

Whereas, between 1910 and 1940, the Angel Island Immigration Station implemented the Chinese exclusion laws by confining Chinese persons for up to nearly two years, interrogating Chinese persons, and providing a model for similar immigration stations at other locations on the Pacific coast and in Hawaii;

Whereas each of the congressional debates concerning issues of Chinese civil rights, naturalization, and immigration involved intensely racial rhetoric, with many Members of Congress claiming that all persons of Chinese descent were unworthy of American citizenship, incapable of assimilation into American society, and dangerous to the political and social integrity of the United States;

Whereas the express discrimination in these Federal statutes politically and racially stigmatized Chinese immigration into the United States, enshrining in law the exclusion of the Chinese from the political process and the promise of American freedom;

Whereas wartime enemy forces used the anti-Chinese legislation passed in Congress as evidence of American racism against the Chinese, attempting to undermine the Chinese-American alliance and allied military efforts;

Whereas, in 1943, at the urging of President Franklin D. Roosevelt, and over 60 years after the enactment of the first discriminatory laws aimed at Chinese immigrants, Congress repealed previously enacted anti-Chinese legislation and permitted Chinese immigrants to become United States citizens;

Whereas despite facing decades of systematic, pervasive, and sustained discrimination, Chinese immigrants and Chinese-Americans persevered and have continued to play a significant role in the growth and success of the United States;

Whereas six decades of Federal legislation deliberately targeting Chinese persons by race affected the capacity of generations of individuals and families to pursue life in America openly and without fear, and fostered an atmosphere of racial discrimination that deeply prejudiced their civil rights;

Whereas diversity is one of our Nation's greatest strengths, and, while this Nation was founded on the principle that all persons are created equal, the laws enacted by Congress in the late 19th and early 20th centuries that restricted the political and civil rights of persons of Chinese descent violated that principle;

Whereas although an acknowledgement of the actions of the House of Representatives that contributed to discrimination against persons of Chinese descent will not erase the past, such an expression will acknowledge and illuminate the injustices in our national experience, and help to build a better and stronger Nation;

Whereas the House of Representatives recognizes the importance of addressing this unique framework of discriminatory laws in order to educate the public and future generations regarding the impact of these laws on Chinese and other Asian persons and their implications to all Americans; and

Whereas the House of Representatives deeply regrets the enactment of the Chinese Exclusion Act and related dis-

criminatory laws that resulted in the persecution and political alienation of persons of Chinese descent, unfairly limited their civil rights, legitimized racial discrimination, and induced trauma within that community: Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges that this framework of anti-Chinese legislation, including the Chinese Exclusion Act, is incompatible with the basic founding principles recognized in the Declaration of Independence that all persons are created equal;

(2) acknowledges that this pattern of anti-Chinese legislation, including the Chinese Exclusion Act, is incompatible with the spirit of the United States Constitution;

(3) deeply regrets passing six decades of legislation directly targeting the Chinese people for physical and political exclusion and the wrongs committed against Chinese and American citizens of Chinese descent who suffered under these discriminatory laws; and

(4) reaffirms its commitment to preserving the same civil rights and constitutional protections for people of Chinese or other Asian descent in the

United States accorded to all others, regardless of their race or ethnicity.

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