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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. RES. _____

Commemorating the 80th anniversary of the repeal of the Chinese Exclusion Act of 1882.

IN THE HOUSE OF REPRESENTATIVES

Ms. CHU submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Commemorating the 80th anniversary of the repeal of the Chinese Exclusion Act of 1882.

Whereas many Chinese people 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 contributions of Chinese Americans in agriculture, mining, manufacturing, transportation, canning, and other industries were critical to shaping the history of the United States and strengthening the United States in the present;

Whereas Chinese people faced racial ostracism and violent assaults in the United States from the middle of the 19th

century through the early 20th century, and Chinese people continue to experience anti-Asian hate in the present;

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

Whereas, in 1878, Congress introduced a joint 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, Congress passed the ''Fifteen Passenger Bill'', which would have only permitted 15 Chinese passengers on board any ship traveling 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—

(1) allowed the United States to suspend, but not to prohibit, the immigration of Chinese laborers;

(2) declared that ''Chinese laborers who are now in the United States shall be allowed to go and come of their own free will''; and

(3) 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 Congress passed legislation that adversely affected and limited the civil rights of Chinese people in the United States, including—

(1) on March 23, 1882, the first Chinese Exclusion Act, which would have excluded skilled and unskilled Chinese laborers for 20 years and expressly denied Chinese people the right to be naturalized as citizens of the United States, and which was vetoed by President Chester A. Arthur on April 4, 1882, as incompatible with the terms and the spirit of the Angell Treaty;

(2) on May 3, 1882, the Chinese Exclusion Act of 1882 (22 Stat. 58, chapter 126), which—

(A) prohibited Chinese workers from entering the United States for 10 years instead of 20;

(B) required certain Chinese laborers already legally present at that time in the United States who later wished to reenter the United States to obtain ''certificates for return'';

(C) prohibited courts from naturalizing Chinese individuals;

(D) was signed into law by President Arthur on May 6, 1882; and

(E) was the first Federal law that excluded a single group of people in the United States on the basis of race;

(3) on July 3, 1884, an expansion of the Chinese Exclusion Act of 1882 (23 Stat. 115, chapter 220), which—

(A) applied the Act to all people of Chinese descent, ''whether subjects of China or any other foreign power''; and

(B) was signed into law by President Arthur on July 5, 1884;

(4) on September 13, 1888, the Scott Act (25 Stat. 504, chapter 1064), which—

(A) prohibited legal Chinese laborers from reentering the United States, and cancelled all previously issued ''certificates for return'';

(B) was signed into law by President Grover Cleveland on October 1, 1888; and

(C) was determined by the Supreme Court of the United States in Chae Chan Ping v. United States, 130 U.S. 581 (1889), to have abrogated the Angell Treaty; and

(5) on May 4, 1892, the Geary Act (27 Stat. 25, chapter 60), which—

(A) reauthorized the Chinese Exclusion Act of 1882 for another 10 years;

(B) denied Chinese immigrants the right to be released on bail on application for a writ of habeas corpus;

(C) authorized the deportation of Chinese people who could not produce a certificate of residence unless they could establish residence through the testimony of ''at least one credible white witness'', contrary to customary legal standards regarding the presumption of innocence; and

(D) was signed into law by President Benjamin Harrison on May 5, 1892;

Whereas, in 1894, the United States and China agreed to the Gresham-Yang Treaty, within which 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 people who were residents of the United States;

Whereas, in 1898, the United States—

(1) annexed Hawaii;

(2) took control of the Philippines; and

(3) excluded only the residents of Chinese ancestry of Hawaii and the Philippines from entering the mainland of the United States;

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, on April 27, 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 in the United States;

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

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

Whereas, on November 26, 1943, in furtherance of the war objectives of the United States and at the urging of President Franklin D. Roosevelt, Congress passed the Magnuson Act (57 Stat. 600, chapter 344), which—

(1) repealed previously enacted Chinese exclusion legislation;

(2) permitted Chinese people to become naturalized citizens of the United States; and

(3) was signed into law by President Roosevelt on December 17, 1943;

Whereas, on October 6, 2011, the Senate unanimously agreed to a resolution sponsored by Senator Scott Brown which formally expressed regret for the passage of discriminatory laws against Chinese Americans, including the Chinese Exclusion Act of 1882;

Whereas, on June 18, 2012, the House of Representatives unanimously agreed to a resolution sponsored by Representative Judy Chu which formally expressed regret for the passage of laws that adversely affected Chinese Americans, including the Chinese Exclusion Act of 1882;

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

Whereas the United States must continue to reject anti-Asian hate and to build a country that does not perpetuate racist or xenophobic rhetoric or policies that have long profiled Asian American, Native Hawaiian, and Pacific Islander communities in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commemorates the 80th anniversary of the repeal of the Chinese Exclusion Act of 1882 (22 Stat. 58, chapter 126);

(2) celebrates Chinese American communities who have enriched the fabric of the United States;

(3) acknowledges that historic and current frameworks of anti-Chinese legislation, including the Chinese Exclusion Act of 1882, are incompatible with the basic founding principles recognized in the

Declaration of Independence and with the spirit of the Constitution of the United States; and

(4) reaffirms its commitment to preserving the same civil rights and constitutional protections for people of Chinese or other Asian, Native Hawaiian, and Pacific Islander descent in the United States accorded to all other people in the United States, regardless of race or ethnicity.