

RESOLUTION NO. 80238

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE APOLOGIZING TO CHINESE IMMIGRANTS
AND THEIR DESCENDANTS FOR ACTS OF
FUNDAMENTAL INJUSTICE AND DISCRIMINATION,
SEEKING FORGIVENESS AND COMMITTING TO THE
RECTIFICATION OF PAST POLICIES AND MISDEEDS**

WHEREAS, between 1849 and 1853 about 24,000 young Chinese men immigrated to California and by 1870 there were an estimated 63,000 Chinese in the United States, 77% of whom resided in California; and

WHEREAS, Chinese immigrants were the primary workforce in developing Santa Clara County as the “fruit bowl of America” and San José was home to five Chinatowns including the first Market Street Chinatown (1866-1870), the Vine Street Chinatown (1870-1872), the Second Market Street Chinatown (1872-1887), the Woolen Mills Chinatown (1887-1902), and Heinlenville (1887-1931); and

WHEREAS, San José was a center of agriculture, and Chinese immigrants were critical to the economy, industry and progress of Santa Clara Country including in manufacturing and heavy construction, notably as workers on the San José Railroad and Santa Cruz-Monterey Line in the 1870s; and

WHEREAS, Chinese immigrants were met with virulent racism, xenophobia and the violence of anti-Chinese forces in San José from early on and denied equal protection before the law; and

WHEREAS, in 1869, the First Methodist Episcopal Church on 2nd and Santa Clara streets which taught Sunday school to Chinese immigrants was burned to the ground and the minister, Thomas S. Dunn, received death threats; and

WHEREAS, after passage of the Chinese Exclusion Act of 1882, which denied naturalization to U.S. citizenship and restricted Chinese immigration, anti-Chinese acts became institutionalized and empowered by federal, state, and local acts and anti-Chinese conventions were held in San José, including the first State Convention of the Anti-Chinese League in 1886; and

WHEREAS, the policies, resolutions, and other actions of the City of San José (“City”) and the City Council directly contributed to the xenophobic discrimination and racial violence faced by Chinese immigrants; and

WHEREAS, the City Council condemned all Chinese laundries on the basis they operated in wooden buildings after denying fourteen Chinese laundry operators who filed a petition on January 14, 1886 requesting to continue their laundry businesses, and Mayor G. T. Settle broke the tie vote and the motion before San José’s City Council to condemn Chinese laundries was carried; and

WHEREAS, the City made plans to remove San José’s Market Street Chinatown for the building of the new City Hall downtown and on March 25, 1887, an order declaring the Chinatown at Market and San Fernando Streets a public nuisance was unanimously approved by Mayor C. W. Breyfogle and the entire City Council; and

WHEREAS, the Market Street Chinatown succumbed to arson on May 4, 1887 before official action could be taken, leading to the destruction of homes and businesses and the displacement of 1,400 members of San José’s Chinese community; and

WHEREAS, on June 2, 1887, after the burning of the Market Street Chinatown, when John Heinlen requested permits for building a new Chinatown on his property, his request was declared out of order by the Mayor; and

WHEREAS, on June 8, 1887 at a mass rally of citizens gathered on the corner of Fifth and Jackson Street to protest the building of a new Chinatown a resolution drafted by Mayor Breyfogle and the entire City Council was read to the crowd stating that a Chinatown is “a public nuisance, injurious to private property adjacent thereto, dangerous to the health and welfare of all citizens who live and have homes in its vicinity, and a standing menace to both public and private morals, peace, quiet and good order, and etc.”; and

WHEREAS, on July 25, 1887 the City Council voted to allow only materials made by white labor in the construction of the new city hall; and

WHEREAS, in 1888, despite vehement opposition from the City and its citizenry, John Heinlen finished construction of the new Chinatown which would be known as Heinlenville and last for 44 years until 1931; and

WHEREAS, in 1949, the City voted to demolish the historic Ng Shing Gung Temple building and take over the property despite attempts by the Chinese community to save the temple as a historic landmark; and

WHEREAS, the City stored the historic Ng Shing Gung altar under the Municipal Stadium where it suffered damage from outdoor exposure for the next 40 years until the Chinese Historical and Cultural Project (“CHCP”) was asked to work with the city on collection and maintenance of artifacts found in the building of the Fairmont Hotel in 1987; and

WHEREAS, the Chinese Exclusion Laws were repealed in 1943 and subsequent federal legislation officially banned racial bias in immigration and citizenship, a fundamental step in the struggle for racial equality and justice in the United States;

WHEREAS, the CHCP built a replica of the historic temple building, installed exhibits of Chinese American history of the Santa Clara Valley, and gifted the Museum to the City as a token of friendship and forgiveness from the Chinese American community in 1991; and

WHEREAS, the recent rise in anti-Asian violence and racial discrimination demonstrates that xenophobia remains deeply rooted in our society; and

WHEREAS, Asian-Americans are still considered perpetual foreigners; and

WHEREAS, the story of Chinese immigrants and the dehumanizing atrocities committed against them in the 19th and early 20th century should not be purged from or minimized in the telling of San José's history; and

WHEREAS, the City must acknowledge and take responsibility for the legacy of discrimination against early Chinese immigrants as part of our collective consciousness that helps contribute to the current surge in anti-Asian and Pacific Islander hate; and

WHEREAS, a genuine apology for the role of the City in this history and legacy is an important and necessary step in the process of racial reconciliation; and

WHEREAS, an apology for grievous injustices cannot erase the past, but admission of the historic wrongdoings committed can aid us in solving the critical problems of racial discrimination facing America today;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF SAN JOSE:

- 1) Apologizes to all Chinese immigrants and their descendants who came to San José and were the victims of systemic and institutional racism, xenophobia, and discrimination;
- 2) Acknowledges acts of fundamental injustice, terror, cruelty, and brutality, including the dismantling and destruction of the city's Chinatowns;
- 3) Recognizes the contributions and resilience of the Chinese community and their commitment to fostering reconciliation and friendship; and
- 4) Resolves to rectify the lingering consequences of the discriminatory policies of the City of San José, and to use this resolution as a teaching moment for the public to move forward towards justice for all.

ADOPTED this 28th day of September, 2021, by the following vote:

AYES: ARENAS, CARRASCO, COHEN, DAVIS, ESPARZA,
FOLEY, JONES, JIMENEZ, MAHAN, PERALEZ,
LICCARDO.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



SAM LICCARDO
Mayor

ATTEST:



TONI J. TABER, CMC
City Clerk