

## **Asian American Civil Rights Monument Territory of New Mexico v. Yee Shun (1882)**

**Proposed:** To build a monument to a landmark historic Chinese American civil rights case, *Territory of New Mexico v. Yee Shun (1882)*. This monument also honors the citizens and the legal system of New Mexico which recognizes that ‘justice and liberty for all’ is a principle for all ages and people. (1)

*(The Chinese were the first Asian group to immigrate to America and were the target of many discriminatory laws and legislation. This monument would recognize all Asian groups and all people who are affected unlawfully by racial discrimination.)*

**Background:** Chinese Americans came to the southwest frontier as early as 1867.(2) When the railroad arrived in Albuquerque in 1880, the Chinese followed, similar to other pioneers attracted by mining, railroad and other service business opportunities. Chinese communities developed in many NM towns, contributing to the economic and social fabric of these communities. However, during the latter part of the 19<sup>th</sup> century people of color, including Chinese Americans encountered discriminatory federal and state legislation that obstructed full participation in American society. Among the Constitutional rights denied to Asian Americans, one of the most egregious was prohibiting the testimony of Asian Americans in a legal case in court.(3) While Chinese Americans may be viewed as victims of racial discrimination, the number of court cases brought by the Chinese Americans affirms they were victims but they were not passive. The Chinese Americans used the Court system to fight back and in that process helped establish legal principles which affected the course of American jurisprudence. The Yee Shun case contributed to the developing relationship of law and race in the 19<sup>th</sup> century in US. The Chinese Americans were willing to confront and to use the government to help delineate the limits of government authority and to help define the ideals of democracy. The Yee Shun case and others contributed in a significant way to the molding of due process and equal protection jurisprudence under the 14<sup>th</sup> Amendment. (4)

**Background funding source:** The Asian Community contacted Albuquerque Mayor Richard Berry in Nov 2013 to request funds to recognize a significant Asian civil rights event. With the help Eileen O’Connell, Manager of the Albuquerque Bernalillo County Special Collections Library and two (2) attorneys, the Asian community was able to uncover a landmark New Mexico civil rights case which addressed and helped define the issues of race, law and equal protection under the Constitution. This landmark civil rights case is *Territory of New Mexico v. Yee Shun (1882)*. (5)

Subsequent meetings with elected officials raised a total of \$120,000 (2014-15) for the monument. In the summer of 2015, the City of Albuquerque certified \$100,000 from the State Legislature. In January 2016, the State Legislature pledged additional funds which are unknown

at this time. Coordination of City and County funds for this project was verified and deemed allowed. (6)

**Community support, meetings and updates:** Starting in 2014, presentations to the Chinese American Citizen Alliance (CACA), New Mexico Chinese Association (NMCA), the American Chinese Engineering Society of NM (ACES), NM Japanese American Citizen League (NM-JACL) and the Asian American Association of NM (pan-Asian organization in NM representing individual members and organizations) were accomplished. There was unanimous support to commemorate the Yee Shun case. Frequent updates have been provided to AAANM, CACA and other groups during their regularly scheduled Board and/or membership meetings. Informal discussions have occurred with other supporters and/or interested individuals/groups, e.g. Albuquerque Historical Society, Jewish Federation of New Mexico, a Town Hall meeting, local historian Mo Palmer, a UNM human settlement class and other small gatherings.

**Location:** Tentative location is the grounds of the New Mexico Second Judicial District Court, 400 Lomas, NW, and Albuquerque which has good exposure to pedestrian/automobile traffic.

**Monument Design and Construction:** The Bernalillo County Cultural Services, Parks and Recreation RFP Public Arts protocol will be used. Design and construction to be determined.

**Inscription for plaque on the monument:** *This is a landmark Chinese-American civil rights case from an era of racism and exclusion laws that denied Chinese- Americans the political and legal rights available to others in the United States. Chinese-Americans did not have the full protection of the Constitution. Barred from political rights, their only recourse was in the courts. The Yee Shun case affirms the competency of Chinese Americans to testify in court and to have their testimonies accepted. (73 words)*

**Conclusion and other relevant information:** According to the US Department of Commerce, the number of tourists from China reached the 2.2 million mark and spent approximately \$23.8 billion in 2014. Many of the visitors visited ethnic heritage sites, i.e. heritage tours, to learn about the Chinese American experience. Developing Chinese American historic New Mexico sites and stories would attract tourists from China as they travel across this nation, stopping in New Mexico to visit the Yee Shun monument, Ft. Stanton, Deming, and other southwest locations which have historical Chinese landmarks. Tourists from around the United States and the world would learn first- hand New Mexico's true diversity and inclusiveness.

In conclusion, for the people of Albuquerque and New Mexico, this monument honors the tenacity of the human spirit. Welcomed in the beginning to build the transcontinental railroad, which enabled the westward expansion, the Chinese American became hated, excluded and driven out of communities, and based on race, were denied the protection of the Constitution. Resilient, the Chinese American persevered, embraced their new country, and overcame anti – Chinese American sentiment to contribute to the building and greatness of America. The story of the Chinese American in Albuquerque, New Mexico and the nation is an inspirational lesson for all.

### References and additional information:

1. John R. Wunder, "Territory of New Mexico v. Yee Shun: A Turning Point in Chinese Legal Relationships in the Trans-Mississippi West," *New Mexico Historical Review* 65(July 1990):306-7.
2. DeMark, Judith Boyce, *Immigrant Experience in Albuquerque 1880-1920*, PhD dissertation, University of New Mexico
2. John R. Wunder, "Law and the Chinese on the Southwest Frontier, 1850s-1902," *Western Legal History* 2(Summer/Fall 1989): 139.
3. Court cases: *People of State of CA v. Hall*, (1854), *People of State of CA v. Washington* (1869), *People of the State of CA v. Brady* (1870), Geary Act, 1892, US Civil Rights Act, 1870
4. Kim, Chin and Kim, Bok Lim C., *American University Law Review*, Vol 26: 373, pg. 373-407, 1977.
4. McClain, Charles, *Asian Americans and the Law: Historical and Contemporary Perspective*, 1994
4. Fourteenth Amendment to the U. S. Constitution reads: *Section 1*. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." (italics/underline are mine/Wong), Cole, David," *Are Foreign Nationals Entitled to the Same Constitutional Rights as Citizens?*", *Georgetown University Law Center*, 25 T. Jefferson L. Rev. 367-388 (2003)
5. Eileen O'Connell, Manager of the ABC Special Collections Library, an ABQ Attorney and Martin Gold, Washing DC Attorney and author of *Forbidden Citizens: Chinese Exclusion and the US Congress: A Legislative History*, 2012
6. Legislative endorsements and pledges:
  - 2014: Mayor Richard Berry; City Councilors Isaac Benton, Rey Garduno (current support from Patrick Davis); Don Harris
  - 2015: Representative Jim Dines (primary), Gail Chasey^ (primary), Nate Gentry, David Atkins, Jimmie Hall, Conrad James, Stephanie Maez, Paul Pacheco and William Rehm
  - 2016: Senators Mark Moores, Cisco McSorley^, Jerry Ortiz y Pino and Mimi Stewart and Rep. Lechuga-Tena^  
^ pledge TBD
  - Commissioners Maggie Hart Stebbins has been the Project's advisor and facilitator. Meetings and support from Commissioner Wayne Johnson and Lonnie Talbert.