

ANTI-ASIAN LAWS IN AMERICA



Past, Present, & What's Coming

**State Rep. Gene Wu
Texas House District 137**

ANTI-ALIEN LAND LAWS: A BROAD OVERVIEW

In the past two centuries, more than a dozen states passed laws banning Asian immigrants from purchasing or acquiring property (buy, inherit, or transfer).

Nationwide, states enacted Anti-Alien Land Laws in response to a wave of Anti-Asian feeling that began in the mid-1800s. However, the history of Anti-Alien Land Laws can be traced back to the very founding of our country.

Previous Anti-Alien Land Laws have since been ruled unconstitutional for violating the 14th Amendment right to equal protection, as well as regulations prohibiting discrimination based on race, ethnicity, and national origin.

However, legislative efforts across the United States, including here in Texas, continue to target individuals from China based solely on their national origin.

History of Federal Anti-Alien Property Ownership Restrictions Targeting the AAPI Community

1776	Adoption of British common law as default law for the US, which included long-standing prohibitions on alien land ownership. They remained in American common law after the Revolution and persisted into the nineteenth century. However, some original colonial governments enacted laws to exempt certain aliens from the operation of the common law rules.
1784 1785	Congress passed the Land Ordinances of 1784 and 1785 which repealed common law restrictions on alien property ownership in the territory west of the Appalachian Mountains and east of the Mississippi River - but not in the existing States.
1789	The first US Congress decided that only states could determine the property rights of noncitizens within their borders.
1790	Congress agreed upon language which stated that once naturalized, foreign-born residents had the same property rights as all other citizens.
1870	The Naturalization Act of 1870 expanded naturalization rights to people of African descent while excluding other groups, particularly Asians. The law removed the "white only" restriction on citizenship that had been in place since 1790, but it also used coded language to target "aliens ineligible for citizenship." This allowed states to limit the rights of Asian immigrants without explicitly targeting them racially. The coded language targeting "aliens ineligible for citizenship" became a legal way that individual states could limit the rights of Asian immigrants without targeting a group racially in the language of the law.
1882	The 1882 Chinese Exclusion Act codified this racism, legally stopping Chinese immigration and declaring Chinese immigrants ineligible for citizenship.
1892	The Chinese Exclusion Act was renewed for 10 year period.
1902	The Chinese Exclusion Act was renewed indefinitely.
1917	One of the major shifts to caucasian only immigration policy. Created a "barred zone" in Southeast Asia. Barred zone included parts of China, all of India, Burma, Siam, the Malay States, the Asian part of Russia, part of Aravia, part of Afghanistan, most of Polynesian Islands and the East Indian Islands.

1921	The court upheld the Asian “barred zone” from 1917
1922	<i>Ozawa v. United States</i> : Takao Ozawa petitioned for citizenship, arguing that people of Japanese descent were included in the "white race" and therefore eligible for naturalization. The Supreme Court ruled against Ozawa. <i>Yamashita v. Hinkle</i> : Decided the same day as the Ozawa case, the Supreme Court upheld a Washington state alien land law challenged by Takuji Yamashita.
1922	Congress passed The Cable Act, which added further complications to the ban on citizenship for Asian immigrants, stripping U.S.-born women of their citizenship if they married men ineligible for naturalization.
1924	The Immigration Act of 1924 barred the Japanese from migrating to the United States and excluded their ability to become citizens if already here; stopped East Asian immigration completely.
1937	Congress amended the Immigration Act of 1924. The definition of “Alien” was clarified as meaning “non-citizens of the United States ... who are ineligible to citizenship by the United States,” meaning no more Asian immigration, which meant no more land for Asian immigrants already in the United States.
1942	Executive Order 9066 allowed for the involuntary detention of Japanese and Japanese-Americans in incarceration camps throughout the United States.
1943	The Chinese Exclusion Act is repealed.
1944	In the <i>Endo</i> case, the Supreme Court ruled that a civilian agency (the War Relocation Authority) had no right to incarcerate law-abiding citizens. Two weeks later, the federal government began closing down the camps, ending one of the most shameful chapters in American history.
1952	The California Alien Land Law (and remaining Alien Land Laws on books) was eventually overturned by the Supreme Court in 1952 for violating the 14th Amendment. This ruling also overruled the Alien Land Laws on the books in a dozen other states.
1965	Original repeal of the Chinese Exclusion Act had little actual impact as the Immigration Act of 1924 (43 Stat. 153) had effectively barred all Asian immigration. Even after the act’s repeal, only 105 visas were issued to Chinese citizens each year. In 1965, a new Immigration and Nationality Act radically revised the nation’s immigration system, bringing Chinese Exclusion to an end at the federal level.

Historical State Laws Restricting Asian Immigrant Property Ownership

The following are a few notable examples:

- In **Oregon**'s 1859 Constitution (added by popular vote in 1858), it stated that no "Chinaman" could own property in the state. Oregon became the first state admitted to the Union with an Exclusion Clause in its constitution.
- **California** rewrote its constitution in 1879, limiting land ownership to aliens of the "white race or of African descent," the same language used to limit naturalization in 1870 at the federal level. Nevada followed suit that same year.
- In 1886, **Washington** passed legislation that prohibited aliens (under the Naturalization Act of 1870) from property rights.
- In 1913, **California** passed the Web-Haney Act, prohibiting "aliens ineligible to citizenship" from owning or leasing (for more than 3 years) land. Although the language isn't explicitly racial, the law only applies to Asian immigrants and it gives white farmers an unfair advantage by keeping Japanese and other competitors out. A later court challenge excluded applicability to citizens.
- In 1917, **Arizona** passed an alien land law similar to California's 1913 law, which prohibited "aliens ineligible for citizenship" from owning or leasing land. Many other states soon followed suit.
- In 1920, **California** passed its own amendment to its Alien Land Law, prohibiting even short-term leases of land to aliens ineligible for citizenship. It also prohibited stock companies owned by aliens ineligible for citizenship from acquiring agricultural lands. That same year, they also passed Prop 1, which reaffirmed that an alien ineligible to naturalization shall have no rights whatsoever with respect to real property.
- In 1921, **Nebraska** passed a law barring all non-citizens from owning rural land or leasing it longer than five years.
- In 1922, **New Mexico** voters approved an amendment to the constitution that prohibits ineligible aliens from owning property in the state.

Historical **TEXAS** Laws Restricting Asian Immigrant Property Ownership

- In **1891**, the Texas Legislature amended its constitution to completely prohibit alien-owned corporations from owning or leasing property and to limit to six years the amount of time that an alien or an alien-owned company could own or lease land. In December 1891, the Texas Supreme Court declared the measure unconstitutional.
- In **1892**, an amended Anti-Alien Land Law was passed by 22nd Legislature, which did not include a prohibitive measure on alien corporations and altered the time limit from six to ten years.
- The **1892** law operated until 1921, when a new law again included a prohibitive measure against land ownership by alien corporations and changed the time limit from ten to five years.
- In **1936**, additional common law language adopted by the Legislature stated that: “the common law against land-holding by aliens is in force with some exceptions: (1) it does not apply to land in an incorporated town or city; (2) it does not apply to certain classes of aliens so long as they are residents of the state, viz., (a) alien declarants; (b) aliens who are natural born citizens of countries that have a common land boundary with the United States; and (3) any alien prohibited from holding is in reality allowed to hold a minimum of five years.”
- In **1965**, the 59th Texas Legislature repealed the laws from the 1921 Act on the grounds that they imposed "unreasonable and discriminatory restrictions" on alien ownership and militate against efforts by the state to entice foreign investment and stimulate economic development and industrial growth.
- In **2021**, Texas passed SB 2116 which prohibits business or governmental entities from entering into contracts or other agreements relating to state critical infrastructure with certain foreign-owned companies, including those held or controlled by non-citizen individuals from China, Iran, North Korea and Russia. Under the bill, "critical infrastructure" means a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility. Definition includes companies. This law went into immediate effect.

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Mandate for Leadership

The Conservative Promise

25

Foreword by Kevin Roberts, PhD
Edited by Paul Dans and Steven Groves

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What Is Driving This Hate?

Overseen by the conservative Heritage Foundation, “Project 2025”, the multi-pronged initiative includes a detailed blueprint for the next Republican president to usher in a sweeping overhaul of the executive branch.

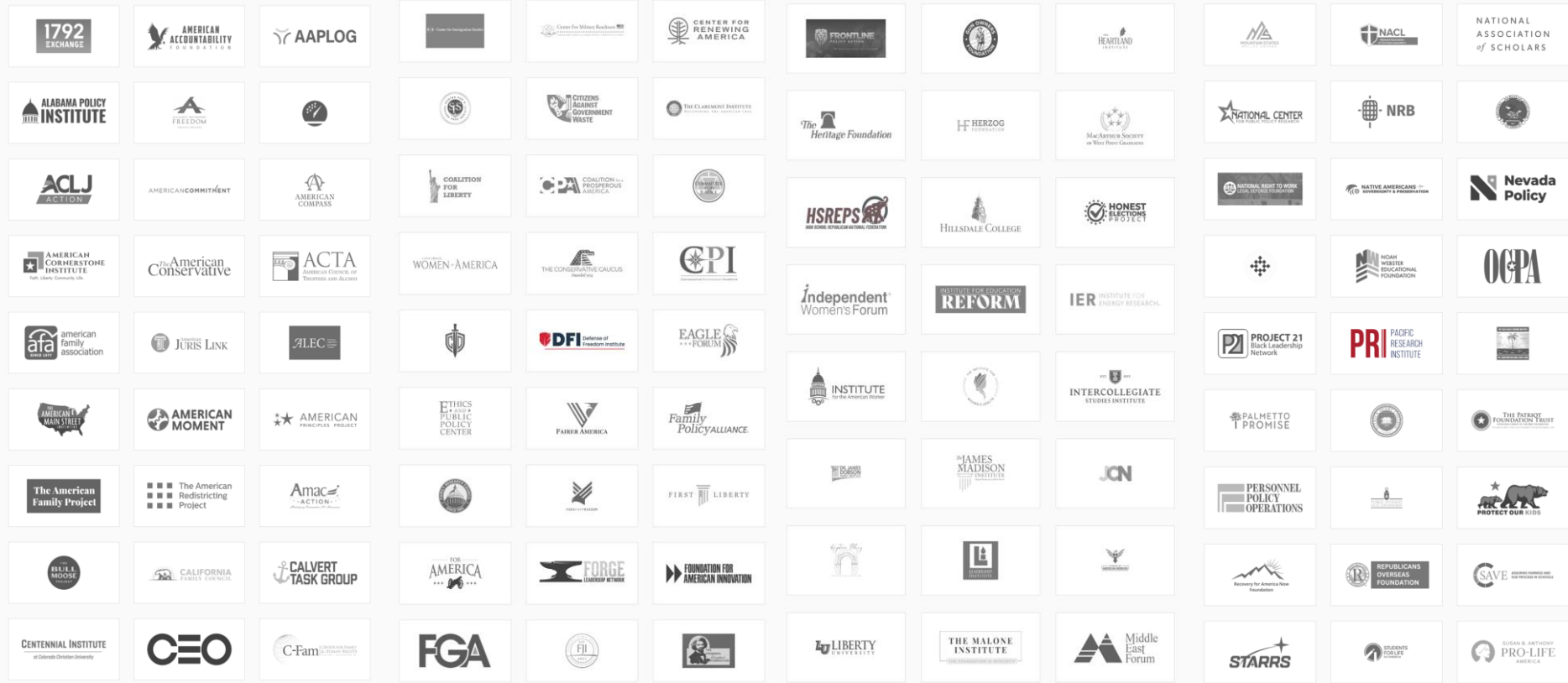
While many references are made to the U.S.’s top 4 foreign adversarial nations throughout Project 2025, the following word counts from Project 2025 show a clear focus of the authors on China (and Chinese Nationals) – significantly greater than their focus on Russia, Iran, and North Korea and individuals from these respective countries.

PHRASE USED:	NUMBER OF TIMES USED:
“China”	480
“Chinese”	173
“CCP”	141
“Beijing”	47
“Uygher”	2
TOTAL:	884

For Comparison:

PHRASE USED:	NUMBER OF TIMES USED:
“Russia”	108
“North Korea”	20
“Iran”	55
TOTAL:	183

WHO is Project 2025?



**“When someone takes the time
to put together a playbook,
they are going to use it.”**

Minnesota Governor Tim Walz
Democratic Candidate for Vice President

Texas House Select Committee on Securing Texas from Hostile Foreign Nations

- Established in May 2024, during the interim period following the 88th Legislative Session
- Membership:
 - Rep. Cole Hefner (Chairman)
 - Rep. Angie Chen Button (Vice Chair)
 - Rep. Cody Harris
 - Rep. Todd Hunter
 - Rep. Ray Lopez
 - Rep. Armando Martinez
 - Rep. Terry Wilson
- Invited testimony for the first committee hearing included individuals from The Heritage Foundation, the authors of Project 2025

The committee is created to:

1. Study the threat posed by hostile foreign organizations and related entities on the Texas economy, security and values;
2. Evaluate the ways in which hostile foreign organizations acquire property, including real property, in Texas as well as the risks. Recommend policy changes to mitigate the risks posed by ownership of Texas assets by hostile foreign organizations; and
3. Examine the rates of intellectual property (IP) theft in the state and identify the industries most impacted. Make recommendations to better secure the IP of government and businesses operating in the state and ensure Texas remains competitive in the face of economic aggression by hostile foreign organizations.

Attacks on the Community: Higher Education

PROJECT 2025

TEXAS

“Reinstate the ‘China Initiative’” and “significantly reduce or eliminate the issuance of visas to Chinese students and researchers to prevent espionage and information harvesting.” →

Texas House Select Committee Hearing: Discussion on how “higher education in Texas is subject to Chinese influence operations,” as well as a discussion of implementing ban on foreign students and professors/research faculty and banning the Princeton Review and Tutor.com for SAT Prep in K-12 schools.

“Eliminate or significantly reduce the number of visas issued to foreign students from China” and “Deny loan access to those who are not U.S. citizens or lawful permanent residents.” →

Texas House Bill 4736 in the 88th Regular Session: Would have prohibited students from China, North Korea and Iran from attending universities in the State of Texas. Texas Select Committee Hearing discussion on need to pass it.

“Universities taking money from China should lose their accreditation, charters, and eligibility for federal funds.” →

Texas House Select Committee Hearing: Discussion on need to prohibit Texas universities from accepting money from Chinese entities, as this makes them subject to influence operations. Additionally, had discussion about banning all remaining Confucius Centers on college campuses to eliminate Chinese indoctrination of students, as well as the need to codify “transnational repression”.

“Prioritize national security in the Student and Exchange Visitor Program (SEVP). ICE should end its current cozy deference to educational institutions and remove security risks from the program.” →

Texas House Bill 4736 in the 88th Regular Session: Would have prohibited students from China, North Korea and Iran from attending universities in the State of Texas. Texas Select Committee Hearing discussion on need to pass it.

“Ban all Chinese social media apps such as TikTok and WeChat, which pose significant national security risks and expose American consumers to data and identity theft.” →

Texas House Select Committee Hearing: Discussed need to ban TikTok, WeChat and Temu, among others.

Attacks on the Community: Housing & Property Ownership

PROJECT 2025

Calls on HUD to “Refocus on its core duties and keep “noncitizens...from living in federally assisted housing,” and to “provide enhanced “oversight of foreign ownership of [U.S.] real estate.”



TEXAS

Senate Bill 3 (88th 4th Called Special Session): Allows the state to spend up to \$40 million for state troopers to patrol Colony Ridge, a housing development near Houston that the far-right claims is a magnet for immigrants. This legislation passed and is effective.

Texas House Select Committee Hearing: Discussion of how Chinese companies are buying up Texas land and driving up costs for Texas consumers. Discussion on need for registry for all foreign owned real estate in Texas.

“China and other foreign nations should not be able to disrupt our nation’s housing markets, including by artificially driving up prices and reducing affordability and access to housing for Americans who are crowded out of the market by such market participation.”



Texas House Select Committee Hearing: Discussion of how Chinese companies are buying up Texas land and driving up costs for Texas consumers. Discussion on need for special registry for all foreign owned real estate in Texas.

“While the Chinese government keeps its domestic markets largely insulated from foreign influence, it regularly invests in the U.S. and other countries under the “green-field” model. Firms fully owned by China’s Communist regime are increasingly buying land, building factories, and taking advantage of state and local tax breaks on American soil.”

This led to a discussion of need to prohibit their ability to do so via passage of **Senate Bill 147** from the 88th Legislative Session (*see next slide for breakdown*).

Texas Senate Bill 147 - 88th Regular Session (2023)

88R505 DRS-F

By: Kolkhorst

S.B. No. 147

A BILL TO BE ENTITLED

AN ACT

relating to the purchase of or acquisition of title to real property by certain aliens or foreign entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5.005, Property Code, is amended to read as follows:

Sec. 5.005. ALIENS. Except as provided by Section 5.0051, an [Am] alien has the same real and personal property rights as a United States citizen.

SECTION 2. Subchapter A, Chapter 5, Property Code, is amended by adding Section 5.0051 to read as follows:

Sec. 5.0051. PURCHASE OF OR ACQUISITION OF TITLE TO REAL PROPERTY BY CERTAIN FOREIGN INDIVIDUALS OR ENTITIES PROHIBITED. Notwithstanding any other law, the following may not purchase or otherwise acquire title to real property in this state:

(1) a governmental entity of China, Iran, North Korea, or Russia;

(2) a company or other entity that is:

(A) headquartered in China, Iran, North Korea, or Russia;

(B) directly or indirectly held or controlled by the government of China, Iran, North Korea, or Russia; or

(C) owned by or the majority of stock or other ownership interest of which is held or controlled by individuals who are citizens of China, Iran, North Korea, or Russia;

(3) a company or other entity that is owned by or the majority of stock or other ownership interest of which is held or controlled by a company or entity described by Subdivision (2); or

(4) an individual who is a citizen of China, Iran, North Korea, or Russia.

SECTION 3. The changes in law made by this Act apply only to the purchase of or other acquisition of title to real property on or after the effective date of this Act. The purchase of or other acquisition of title to real property before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2023.

What would this bill do?

Creates prohibition on foreign entities and individual immigrants from **China, Iran, North Korea, or Russia** from purchasing or acquiring title to real property in Texas.

Why is this so concerning?

- 1) This bill targets Texans, **based solely on their national origin**, from certain countries.
- 2) A simple, **one-word amendment** could extend its restrictions to individuals from any other country.
- 3) This bill **does not require any proof or accusation** for an individual to be targeted under the law.
- 4) This includes business entities owned by foreign born individuals, or those which have investments from foreign-born individuals.

THIS LEGISLATION IS COMING BACK NEXT YEAR WITH MORE SUPPORT AND MOMENTUM!

Attacks on the Community: Immigration & Employment

PROJECT 2025	TEXAS
"Eliminate T and U visas." →	Texas passed Senate Bill 4 (88th Session): Allows Texas police to arrest people for illegally crossing the Mexico border anywhere in the State and to deport them back to Mexico - even if they are attempting to claim asylum.
"Access to the U.S. in the form of immigrant (permanent) and nonimmigrant (temporary) visas could potentially serve as diplomatic leverage" and calls for them to be used for this purpose.	
"The State Department, in coordination with the White House and other security-focused agencies, should evaluate several key security-sensitive visa programs that it manages" which "include, but should not be limited to, the Diversity Visa program, the F (student) visa program, and J (exchange visitor) visa program." →	Texas House Select Committee Hearing: Discussion on how "higher education in Texas is subject to Chinese influence operations" and IP theft and thus, Texas should implement a ban on foreign students from enemy nations.
Calls on Congress to "reassert control of employment authorization, which is subject to rampant regulatory abuse, and limit it to certain categories of legal immigrants and non-immigrants." →	Texas House Committee on Agriculture Hearing: Had discussion about Chinese immigrant business owners, in which it was stated that there is no ability to prove separation between individual and the Chinese government and there is 'nothing to prove otherwise' in regard to individual's loyalty to China and the CCP.

PROJECT 2025

TEXAS

“Significantly reduce or eliminate the issuance of visas to Chinese students or researchers to prevent espionage and information harvesting.”

Also, states that Chinese Nationals should not be “granted visas to penetrate our universities, think tanks, and research institutions” or “be allowed to invest in America’s cutting-edge technology firms.”



Texas House Bill 4736 in the 88th Regular Session: Would have prohibited students from China, North Korea and Iran from **attending universities in the State of Texas**.

Texas House Select Committee Hearing: Discussion on how “higher education in Texas is subject to Chinese influence operations” and IP theft and thus, Texas should implement a ban on foreign students and professors/research faculty, as well as review and remove research partnerships with adversaries and shift towards allies.

“Efforts to limit employment authorization should be matched by congressional action to narrow statutory eligibility to work in the United States and mitigate unfair employment competition for U.S. citizens.” This includes changes to the HB-1 program.

“The United States should strictly enforce the doctrine of reciprocity when issuing visas to all foreign nationals.”



Texas House Select Committee Hearing: Discussion on the need for the State of Texas to require foreign agents (citizens of hostile foreign countries) **“be registered”** so we know who they are, what they are doing, where they work, and what they own.

“Corporate America, technology companies, research institutions, and academia must be willing, educated partners in this generational fight to protect our national security interests, economic interests, national sovereignty, and intellectual property as well as the broader rules-based order.”

Recommends limiting the ability for Chinese nationals (including Visa holders) from working in these areas.



Texas House Select Committee Hearing: Discussion on need for **expanding the definition of critical infrastructure to include things like technology, radio communications, computer software and programming, etc. to prohibit Chinese immigrants from owning or working for companies in these fields**. Also, had discussion on need to ban self-driving car parts and drones with parts manufactured by Chinese immigrant owned companies.

Texas House Agriculture Committee Hearing: Discussion on need to ban Chinese individuals and businesses from “incompatible” industries.”

NATIONAL SECURITY OR NATIONAL ORIGIN?

The contemporary resurgence of Anti-Alien Land Laws bears resemblance to historical antecedents of the eighteen, nineteenth and early twentieth centuries. They share a common origin in the xenophobia and nationalistic fear towards certain immigrant populations, most notably being those immigrating from China and Japan.

California's Anti-Alien Land Law of 1913 was justified as a result of the perceived threat from Japan and the (distorted) ascription of disloyalty of Japanese immigrants. In WWII, U.S. Army Lt. General John L. DeWitt, commanding general of the western theater of operation, famously said:
“A Jap’s a Jap – it makes no difference whether he is an American citizen or not”.

That is what they are saying today about Chinese Americans and those who fled the CCP to come to this country. As history appears to repeat itself, new Anti-Alien Land Laws continue to be rationalized on a similarly flawed assumption that all Chinese immigrants, whether citizen or not, are “foreign agents” who pose a risk to our communities and to our national security.

All of the claims used to justify these proposals share a common theme: they focus on real issues affecting the United States and countries around the world, such as job loss, data privacy violations, IP theft, inflation, and cost of living increases.

However, they often then assert, with little to no evidence, that China and Chinese immigrants are the main cause of these problems,

scapegoating an entire community

as we have seen before with countless other ethnic groups in the past.

The growth of Anti-Asian hate, driven by the political scapegoating of China and Chinese-born individuals by conservative politicians, has resulted in increased discriminatory policies becoming laws across the country.

WHERE ARE WE TODAY?

In the last three years, the following States have implemented some form of Anti-Alien Land Law that restricts property ownership and business ownership.

This includes restricting the ability to own agricultural land, land within a certain distance of critical infrastructure, critical infrastructure itself, any form of real property (including homes and businesses), or a combination of these items.

Every state below includes China or Chinese individuals on their list.

- | | | | |
|-------------|---------------|------------------|-------------------|
| 1. Texas | 6. Arkansas | 11. Montana | 16. West Virginia |
| 2. Nebraska | 7. Idaho | 12. North Dakota | 17. Oklahoma |
| 3. Florida | 8. Virginia | 13. Indiana | 18. South Dakota |
| 4. Georgia | 9. Iowa | 14. Tennessee | 19. Mississippi |
| 5. Alabama | 10. Louisiana | 15. Utah | |

THIS IS NOT THEORY

THIS IS NOT HYPERBOLE

THIS IS NOT A FAR-FETCHED, CONSERVATIVE WISHLIST

**THIS IS HAPPENING HERE, NOW,
IN THE STATE OF TEXAS
AND ACROSS THE COUNTRY.**