

Introduced by Senators De León, Allen, Atkins, Beall, Bradford, Dodd, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mendoza, Mitchell, Monning, Newman, Pan, Portantino, Roth, Skinner, Stern, Wieckowski, and Wiener

January 30, 2017

Senate Resolution No. 16—Relative to immigration.

1 WHEREAS, The United States was founded as a refuge for
2 those escaping religious and political persecution; and
3 WHEREAS, Wave after wave of immigrants seeking a better
4 life have enriched our nation’s culture, increased our productivity
5 and innovation, and bolstered our economy; and
6 WHEREAS, President Donald J. Trump signed an executive
7 order on January 27, 2017, that desecrates our American values
8 and panders to fears and nativist instincts that have resulted in
9 some of our nation’s most shameful acts; and
10 WHEREAS, The executive order bans individuals from the
11 predominately Muslim countries of Sudan, Syria, Yemen, Iran,
12 Iraq, Libya, and Somalia from entering the United States for 90
13 days, prevents all refugees from entering the United States for 120
14 days, and indefinitely suspends the entry of refugees from Syria;
15 and
16 WHEREAS, The executive order titled “Protecting the Nation
17 From Foreign Terrorist Entry Into the United States” ignores the
18 fact that those being denied entry are themselves victims of
19 terrorism and are fleeing the savagery, death, and destruction of
20 the Syrian civil war; and
21 WHEREAS, The executive order is an affront to religious
22 freedom — a principle so cherished by our nation’s founding

1 fathers that it was included in the First Amendment to the United
2 States Constitution; and

3 WHEREAS, The executive order was executed in a haphazard
4 manner without having been fully vetted by the very departments
5 charged with protecting our national security, such as the federal
6 Department of Homeland Security, the United States Department
7 of Justice, the United States Department of State, and the United
8 States Department of Defense; and

9 WHEREAS, As an immediate result of the executive order,
10 individuals in possession of current visas have already been
11 detained or turned around at airports across the country, resulting
12 in chaos, confusion, deep anxiety, and hardship; and

13 WHEREAS, Under this executive order, an estimated 134
14 million people are now temporarily barred from entering or
15 reentering the United States, in addition to hundreds of thousands
16 of current United States visa holders, including dual nationals who
17 were born in one of the impacted countries but who also have
18 citizenship in another unlisted country; and

19 WHEREAS, The executive order is against our national interests
20 as it exacerbates the United States' anti-Muslim reputation,
21 providing a recruitment tool for terrorist organizations while
22 alienating the more than 3.3 million Muslims living in the United
23 States; and

24 WHEREAS, While President Trump has falsely stated there is
25 no refugee-vetting system in place, refugees are subjected to the
26 most stringent vetting system of any traveler seeking entry into to
27 the United States — a system that can take up to two years or
28 longer to complete; and

29 WHEREAS, While the executive order references the September
30 11, 2001, terrorist attacks as why his executive order is necessary,
31 the 19 terrorists who carried out the attacks were from countries
32 not listed in the ban — Saudi Arabia, Egypt, Lebanon, and the
33 United Arab Emirates; and

34 WHEREAS, Over fifty years ago, the federal Immigration and
35 Nationality Act of 1965 banned all discrimination against
36 immigrants on the basis of national origin, in order to eliminate
37 prejudice and bias from the immigration process and provide all
38 countries with equal access to the quotas; and

39 WHEREAS, The federal Immigration and Nationality Act of
40 1965 explicitly limits presidential authority by stating that no

1 person could be “discriminated against in the issuance of an
2 immigrant visa because of the person’s race, sex, nationality, place
3 of birth, or place of residence,” and the only exceptions are those
4 expressly granted by the United States Congress; and

5 WHEREAS, The executive order seeks to resurrect
6 discriminatory immigration policies based on national origin and,
7 therefore, is in direct violation of this long-standing federal law;
8 and

9 WHEREAS, The history of the United States includes shameful
10 actions beginning in the late nineteenth century, including
11 exclusionary laws targeted at the Chinese, Japanese, and all Asians
12 in the so-called Asiatic Barred Zone, and the “national-origins
13 system,” which aimed to exclude most Eastern Europeans, Asians,
14 and Africans from entry into the United States; and

15 WHEREAS, There is no darker stain on the moral character of
16 our nation’s refugee history than the refusal to accept hundreds of
17 German Jews who, in 1939, sought to escape the Third Reich; and

18 WHEREAS, 937 mostly German Jews boarded the transatlantic
19 liner St. Louis at Hamburg, Germany, but the ship was refused
20 permission to dock in Cuba and then in the United States; and

21 WHEREAS, The St. Louis returned to Europe where 254 of its
22 passengers were murdered during the Holocaust; and

23 WHEREAS, President Trump’s signing of his executive order
24 on Holocaust Remembrance Day is an insult to the six million
25 Jews who were exterminated by the Nazis and displays an immoral
26 callousness toward the welfare of the children, women, and men
27 fleeing a brutal civil war; and

28 WHEREAS, The day after the executive order was issued, a
29 class action lawsuit was filed and a federal district court in New
30 York issued an emergency stay, which will stop federal officials
31 from deporting individuals with approved refugee applications,
32 holders of valid visas, and people from the seven impacted
33 countries who have secured authorization to enter the United States;
34 and

35 WHEREAS, This court decision by Judge Ann M. Donnelly
36 states, “There is imminent danger that, absent the stay of removal,
37 there will be substantial and irreparable injury to refugees, visa
38 holders, and other individuals from nations subject to the January
39 27, 2017, executive order”; and

1 WHEREAS, Federal courts throughout the nation have also
2 issued emergency stays, which will stop federal officials from
3 deporting individuals with approved refugee applications, holders
4 of valid visas, and people from the seven impacted countries who
5 have secured authorization to enter the United States; now,
6 therefore, be it

7 *Resolved by the Senate of the State of California,* That the Senate
8 condemns this executive order as a discriminatory overreach that
9 illegally targets immigrants based on their national origin and
10 religion, and urges the President of the United States to
11 immediately rescind the executive order; and be it further

12 *Resolved,* That the Senate urges the federal Department of
13 Homeland Security to comply with the federal court orders as
14 quickly as feasible and immediately permit detained individuals
15 to have timely access to legal counsel; and be it further

16 *Resolved,* That the Senate commends the hundreds of attorneys
17 across the nation who volunteer their time and services to ensure
18 the due process rights and equal protection of these refugees and
19 legal permanent residents, and the thousands who have peacefully
20 protested to uphold our American values; and be it further

21 *Resolved,* That the Secretary of the Senate transmit copies of
22 this resolution to the author for appropriate distribution.