



STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-  
0124  
(916) 319-2800  
FAX (916) 319-2810

Assembly  
California Legislature  
**Committee on Rules**

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QUIRK-SILVA, SHARON  
RAMOS, JAMES C.  
RIVAS, ROBERT  
WICKS, BUFFY

DIEP, TYLER (R-ALT)  
LEVINE, MARC (D-ALT)

Thursday, February 21, 2019  
10 minutes prior to Session  
State Capitol, Room 3162

CONSENT AGENDA

**BILL REFERRALS**

1. Consent Bill Referrals

[Page 2](#)

**RESOLUTIONS**

2. ACR-24 (Mark Stone) California Court Reporting and Captioning Week.
3. ACR-27 (Carrillo) Bayard Rustin.
4. SCR-10 (Pan) Fred Korematsu Day of Civil Liberties and the Constitution.
5. SCR-12 (Bradford) Black History Month.

[Page 5](#)

[Page 9](#)

[Page 15](#)

[Page 21](#)



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CHIEF ADMINISTRATIVE OFFICER  
DEBRA GRAVERT

Assembly  
California Legislature  
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ROBERT RIVAS  
BUFFY WICKS

MARC LEVINE (D-ALT.)  
TYLER DIEP (R-ALT.)

# Memo

**To:** Rules Committee Members  
**From:** Michael Erke, Bill Referral Consultant  
**Date:** 2/20/19  
**Re:** Consent Bill Referrals

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Since you received your preliminary list of bill referrals, there have been no changes.

## REFERRAL OF BILLS TO COMMITTEE

02/21/2019

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>AB 309</u>	A.,E.,S.,T., & I.M.
<u>AB 404</u>	B. & P.
<u>AB 413</u>	ED.
<u>AB 413</u>	PUB. S.
<u>AB 433</u>	PUB. S.
<u>AB 436</u>	G.O.
<u>AB 438</u>	HUM. S.
<u>AB 441</u>	W., P., & W.
<u>AB 444</u>	PUB. S.
<u>AB 445</u>	PUB. S.
<u>AB 446</u>	H. & C.D.
<u>AB 446</u>	JUD.
<u>AB 447</u>	HUM. S.
<u>AB 448</u>	W., P., & W.
<u>AB 449</u>	TRANS.
<u>AB 450</u>	AGRI.
<u>AB 451</u>	HEALTH
<u>AB 453</u>	HEALTH
<u>AB 454</u>	W., P., & W.
<u>AB 456</u>	A. & A.R.
<u>AB 457</u>	L. & E.
<u>AB 460</u>	E. & R.
<u>AB 461</u>	TRANS.
<u>AB 462</u>	P.E. & R.
<u>AB 463</u>	HIGHER ED.
<u>AB 464</u>	NAT. RES.
<u>AB 465</u>	JUD.
<u>AB 465</u>	HUM. S.
<u>AB 466</u>	AGRI.
<u>AB 468</u>	ED.
<u>AB 468</u>	E.S. & T.M.
<u>AB 469</u>	A. & A.R.
<u>AB 470</u>	NAT. RES.
<u>AB 471</u>	TRANS.
<u>AB 473</u>	JUD.
<u>AB 474</u>	J., E.D., & E.
<u>AB 475</u>	G.O.
<u>AB 476</u>	B. & P.
<u>AB 479</u>	ED.
<u>AB 482</u>	G.O.
<u>AB 484</u>	PUB. S.
<u>AB 485</u>	L. GOV.
<u>AB 487</u>	W., P., & W.
<u>AB 488</u>	C. & C.

<u>AB 489</u>	W., P., & W.
<u>AB 491</u>	U. & E.
<u>AB 492</u>	REV. & TAX.
<u>AB 493</u>	ED.
<u>AB 494</u>	HUM. S.
<u>AB 496</u>	B. & P.
<u>AB 497</u>	C. & C.
<u>AB 499</u>	INS.
<u>AB 500</u>	HIGHER ED.
<u>AB 500</u>	ED.
<u>AB 501</u>	G.O.
<u>AB 503</u>	PUB. S.
<u>AB 504</u>	E. & R.
<u>AB 505</u>	HIGHER ED.
<u>AB 506</u>	HEALTH
<u>AB 510</u>	L. GOV.
<u>AB 512</u>	HEALTH
<u>AB 514</u>	HIGHER ED.
<u>AB 515</u>	HEALTH
<u>AB 517</u>	PUB. S.
<u>AB 518</u>	A. & A.R.
<u>AB 519</u>	H. & C.D.
<u>AB 520</u>	L. & E.
<u>AB 523</u>	C. & C.
<u>AB 523</u>	P. & C.P.
<u>AB 524</u>	PUB. S.
<u>AB 525</u>	ED.
<u>AB 527</u>	W., P., & W.
<u>AB 528</u>	B. & P.
<u>AB 529</u>	P.E. & R.
<u>AB 530</u>	L. GOV.
<u>AB 531</u>	HUM. S.
<u>AB 532</u>	HIGHER ED.
<u>AB 533</u>	REV. & TAX.
<u>AB 534</u>	HUM. S.
<u>AB 534</u>	AGRI.
<u>AJR 7</u>	NAT. RES.

AMENDED IN ASSEMBLY FEBRUARY 15, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**Assembly Concurrent Resolution**

**No. 24**

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**Introduced by Assembly Member Mark Stone**

February 6, 2019

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Assembly Concurrent Resolution No. 24—Relative to California Court Reporting and Captioning Week.

LEGISLATIVE COUNSEL’S DIGEST

ACR 24, as amended, Mark Stone. California Court Reporting and Captioning Week.

This measure would proclaim the week of February 9, 2019, ~~through~~ to February 16, 2019, inclusive, as California Court Reporting and Captioning Week and request the Governor to issue a proclamation calling on the people of the great State of California to observe the ~~day~~ week with appropriate programs, ceremonies, and educational activities.

Fiscal committee: no.

1 WHEREAS, For millennia, individuals have wanted the spoken  
2 word translated into text to record history, and to accomplish this  
3 task have relied on scribes; and

4 WHEREAS, The profession of scribe was born with the rise of  
5 civilization; and

6 WHEREAS, In ancient Egypt, scribes were considered to be  
7 the literate elite, recording laws and other important documents  
8 and, since that time, have served as impartial witnesses to history;  
9 and

1 WHEREAS, Scribes were present with our nation's founding  
2 fathers as the Declaration of Independence and the Bill of Rights  
3 were drafted; and

4 WHEREAS, President Abraham Lincoln entrusted scribes to  
5 record the Emancipation Proclamation; and

6 WHEREAS, Since the advent of shorthand machines, these  
7 scribes have been known as court reporters and have played a  
8 permanent and invaluable role across our country; and

9 WHEREAS, Court reporters are present in the California State  
10 Legislature, preserving legislators' words and actions; and

11 WHEREAS, Court reporters and captioners are responsible for  
12 keeping a complete, accurate, secure, and unbiased record of  
13 courtroom proceedings and other legal matters, including civil  
14 depositions; and

15 WHEREAS, Through the Transcript Reimbursement Fund,  
16 court reporters fund, and are responsible for providing, courtroom  
17 transcripts to indigent litigants; and

18 WHEREAS, Court reporters and captioners are responsible for  
19 the closed captioning seen scrolling across television screens, at  
20 sporting stadiums, and in other community and educational settings,  
21 bringing information to millions of deaf and hard-of-hearing  
22 Americans every day; and

23 WHEREAS, Court reporters regularly volunteer to document  
24 educational events and to capture veterans' oral histories at  
25 community events; and

26 WHEREAS, There are an estimated 8,500 Californians working  
27 as court reporters and captioners; and

28 WHEREAS, Court reporters and captioners translate the spoken  
29 word into text and preserve our history; and

30 WHEREAS, Whether called the scribes of yesterday or the court  
31 reporters and captioners of today, the individuals who preserve  
32 our nation's history are truly the guardians of the record; now,  
33 therefore, be it

34 *Resolved by the Assembly of the State of California, the Senate*  
35 *thereof concurring*, That the Legislature proclaims February 9,  
36 2019, ~~through~~ to February 16, 2019, inclusive, as California Court  
37 Reporting and Captioning Week, and requests that the Governor  
38 issue a proclamation calling on the people of the great State of  
39 California to observe the ~~day~~ *week* with appropriate programs,  
40 ceremonies, and educational activities; and be it further

- 1     *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 2     of this resolution to the author for appropriate distribution.

O

Date of Hearing: February 21, 2019

ASSEMBLY COMMITTEE ON RULES  
Ken Cooley, Chair  
ACR 24 (Mark Stone) – As Amended February 15, 2019

**SUBJECT:** California Court Reporting and Captioning Week.

**SUMMARY:** Proclaims the week of February 9, 2019, to February 16, 2019, inclusive, as California Court Reporting and Captioning Week. Specifically, **this resolution** makes the following legislative findings:

- 1) For millennia, individuals have wanted the spoken word translated into text to record history, and to accomplish this task have relied on scribes; and, in ancient Egypt, scribes were considered to be the literate elite, recording laws and other important documents. Since that time, scribes have served as impartial witnesses to history.
- 2) Scribes were present with our nation's founding fathers as the Declaration of Independence and the Bill of Rights were drafted; and, President Abraham Lincoln entrusted scribes to record the Emancipation Proclamation.
- 3) Since the advent of shorthand machines, these scribes have been known as court reporters and have played a permanent and invaluable role across our country.
- 4) Court reporters and captioners are responsible for keeping a complete, accurate, secure, and unbiased record of courtroom proceedings and other legal matters, including civil depositions.
- 5) Court reporters and captioners are responsible for the closed captioning seen scrolling across television screens, at sporting stadiums, and in other community and educational settings, bringing information to millions of deaf and hard-of-hearing Americans every day.
- 6) There are approximately 8,500 Californians working as court reports and captioners translating spoken word into text and preserving our history.

**FISCAL EFFECT:** None

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

**Analysis Prepared by:** Nicole Willis / RLS. / (916) 319-2800



## Assembly Concurrent Resolution

No. 27

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**Introduced by Assembly Member Carrillo**  
**(Coauthors: Assembly Members Cervantes, Cooper, Gipson,**  
**Jones-Sawyer, Low, and Weber)**  
(Coauthors: Senators Atkins, Galgiani, and Wiener)

February 13, 2019

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Assembly Concurrent Resolution No. 27—Relative to Bayard Rustin.

### LEGISLATIVE COUNSEL’S DIGEST

ACR 27, as introduced, Carrillo. Bayard Rustin.

This measure, in observance of Black History Month, would honor the legacy of Bayard Rustin, who stood at the confluence of the greatest struggles for civil, legal, and human rights by African Americans, as well as the LGBTQ community, and whose focus on civil and economic rights and belief in peace and the dignity of all people remain as relevant today as ever.

Fiscal committee: no.

- 1 WHEREAS, In celebration of Black History Month, an annual  
2 observance that recognizes the achievements of African Americans  
3 and pays tribute to the generations of African Americans who  
4 faced significant adversity to achieve full citizenship in American  
5 society, it is appropriate to honor the legacy of the late Bayard  
6 Rustin, an unsung hero of the civil rights movement, for his  
7 extraordinary contributions to the advancement of equal rights for  
8 all individuals and his unselfish acts of community service; and  
9 WHEREAS, A staunch and dedicated American civil rights  
10 activist of unquestioned integrity, Bayard Rustin devoted his life

1 to promoting and defending peace, racial equality, economic  
2 justice, and human rights, and distinguished himself as a close  
3 advisor to Dr. Martin Luther King, Jr., as well as a prominent  
4 LGBTQ activist; and

5 WHEREAS, Born on March 17, 1912, in West Chester,  
6 Pennsylvania, Bayard Rustin became a foe of racial segregation  
7 and a lifelong believer in pacifist agitation, principles he diligently  
8 upheld while working for the Fellowship of Reconciliation from  
9 1941 to 1953 and organizing the New York branch of the Congress  
10 of Racial Equality in 1941; and

11 WHEREAS, Deeply devoted to changing the world for the better  
12 by ending segregation in America, Bayard Rustin embarked on  
13 the Journey of Reconciliation in 1947, an early version of the  
14 Freedom Riders, which attempted to test the Supreme Court's  
15 ruling regarding segregation of buses that crossed state lines, and  
16 in the 1950's, he became a close advisor to civil rights leader Dr.  
17 King and chief organizer of the Southern Christian Leadership  
18 Conference; and

19 WHEREAS, A master strategist and tireless activist, Bayard  
20 Rustin played a critical role in bringing nonviolent protest  
21 techniques to the American civil rights movement, having  
22 introduced Dr. King to Mahatma Gandhi's teachings while writing  
23 publicity materials and organizing carpools, helping mold Dr. King  
24 into an international symbol of peace and nonviolence, and as a  
25 result of his commitment, he was entrusted to serve as the chief  
26 organizer of the March on Washington in August 1963, a massive  
27 demonstration to rally support for civil rights legislation pending  
28 in Congress; and

29 WHEREAS, Having traveled to Alabama to meet with Dr. King,  
30 Bayard Rustin worked to expand the March on Washington's focus  
31 to "jobs and freedom," established its 10 goals, and when the day  
32 came, he read the demands of the March, which has been deemed  
33 the greatest demonstration for freedom in American history, and  
34 these acts stand as a concentrated expression of his decades of  
35 commitment to vociferous, but always nonviolent, protest; and

36 WHEREAS, Bayard Rustin went on to direct a one-day student  
37 boycott of New York City's public schools in 1964 in protest  
38 against racial imbalances and served as President of the A. Philip  
39 Randolph Institute, a civil rights organization in New York City,  
40 from 1966 to 1979, before his death on August 24, 1987; and

1 WHEREAS, Bayard Rustin's incredible legacy was  
2 acknowledged with the Presidential Medal of Freedom in 2013;  
3 and

4 WHEREAS, The Bayard Rustin Commemorative Stamp  
5 campaign, which is co-sponsored by the National Black Justice  
6 Coalition, the National LGBT Museum, and the GLBT Historic  
7 Task Force, is advocating for the adoption of the Bayard Rustin  
8 Commemorative Stamp in posthumous recognition of his role in  
9 the civil rights movement, an honor that is merited and has been  
10 long-awaited; now therefore be it

11 *Resolved by the Assembly of the State of California, the Senate*  
12 *thereof concurring*, That, in observance of Black History Month  
13 the Legislature honors the legacy of Bayard Rustin, who stood at  
14 the confluence of the greatest struggles for civil, legal, and human  
15 rights by African Americans, as well as the LGBTQ community,  
16 and whose focus on civil and economic rights and belief in peace  
17 and the dignity of all people remain as relevant today as ever; and  
18 be it further

19 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
20 of this resolution to the author for appropriate distribution.

O

Date of Hearing: February 21, 2019

ASSEMBLY COMMITTEE ON RULES  
Ken Cooley, Chair  
ACR 27 (Carrillo) – As Introduced February 13, 2019

**SUBJECT:** Bayard Rustin.

**SUMMARY:** Honors the legacy of Bayard Rustin, who stood at the confluence of the greatest struggles for civil, legal, and human rights by African Americans, as well as the LGBTQ community, and whose focus on civil and economic rights and belief in peace and the dignity of all people remain as relevant today as ever. Specifically, **this resolution** makes the following legislative findings:

- 1) In celebration of Black History Month, an annual observance that recognizes the achievements of African Americans and pays tribute to the generations of African Americans who faced significant adversity to achieve full citizenship in American society, it is appropriate to honor the legacy of the late Bayard Rustin, an unsung hero of the civil rights movement, for his extraordinary contributions to the advancement of equal rights for all individuals and his unselfish acts of community service.
- 2) A staunch and dedicated American civil rights activist of unquestioned integrity, Bayard Rustin devoted his life to promoting and defending peace, racial equality, economic justice, and human rights, and distinguished himself as a close advisor to Dr. Martin Luther King, Jr., as well as a prominent LGBTQ activist.
- 3) Deeply devoted to changing the world for the better by ending segregation in America, Bayard Rustin embarked on the Journey of Reconciliation in 1947, an early version of the Freedom Riders, which attempted to test the Supreme Court's ruling regarding segregation of buses that crossed state lines; and, in the 1950's, he became a close advisor to civil rights leader Dr. King and chief organizer of the Southern Christian Leadership Conference.
- 4) A master strategist and tireless activist, Bayard Rustin played a critical role in bringing nonviolent protest techniques to the American civil rights movement, having introduced Dr. King to Mahatma Gandhi's teachings while writing publicity materials and organizing carpools, helping mold Dr. King into an international symbol of peace and nonviolence, and as a result of his commitment, he was entrusted to serve as the chief organizer of the March on Washington in August 1963, a massive demonstration to rally support for civil rights legislation pending in Congress.
- 5) Having traveled to Alabama to meet with Dr. King, Bayard Rustin worked to expand the March on Washington's focus to "jobs and freedom," established its 10 goals, and when the day came, he read the demands of the March, which has been deemed the greatest demonstration for freedom in American history, and these acts stand as a concentrated expression of his decades of commitment to vociferous, but always nonviolent, protest.
- 6) Bayard Rustin's incredible legacy was acknowledged with the Presidential Medal of Freedom in 2013.

- 7) The Bayard Rustin Commemorative Stamp campaign, which is co-sponsored by the National Black Justice Coalition, the National LGBTQ Museum, and the GLBT Historic Task Force, is advocating for the adoption of the Bayard Rustin Commemorative Stamp in posthumous recognition of his role in the civil rights movement, an honor that is merited and has been long-awaited.

**FISCAL EFFECT:** None

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Equality California

**Opposition**

None on file

**Analysis Prepared by:** Nicole Willis / RLS. / (916) 319-2800



February 20, 2019

The Honorable Ken Cooley  
Chair, Assembly Committee on Rules  
State Capitol, Room 3016  
Sacramento, CA 95814

**RE: ACR 27 [Carrillo] - COSPONSOR**

Dear Chair Cooley,

Equality California is pleased to cosponsor resolution ACR 27, which would, in observance of Black History Month, pay tribute to Bayard Rustin and call upon all Californians to recognize the extraordinary role that he played in advancing civil, legal, and human rights for African Americans and for the LGBTQ community.

Equality California brings the voices of LGBTQ people and allies to institutions of power in California and across the United States, striving to create a world that is healthy, just, and fully equal for all LGBTQ people. We advance civil rights and social justice by inspiring, advocating, and mobilizing through an inclusive movement that works tirelessly on behalf of those we serve.

Bayard Rustin was a fierce advocate, skilled organizer, master strategist, and, as an openly gay man, often an unsung hero. Despite his critical importance to the civil rights era, his sexual orientation was seen as a liability to the movement. Consequently, his role in the historic 1963 March on Washington was diminished in name, but not in impact. As a gay Black man, Bayard Rustin lived at the intersection of multiple identities, and his narrative must not be redacted or erased.

In 2013, President Obama posthumously awarded Bayard Rustin the Presidential Medal of Freedom, saying "For decades, this great leader, often at Dr. King's side, was denied his rightful place in history because he was openly gay. No medal can change that, but today we honor Bayard Rustin's memory by taking our place in his march towards true equality, no matter who we are or who we love."

We thank Assemblymember Carrillo for authoring this important legislation. Equality California looks forward to working with the Committee and Assemblymember Carrillo toward its passage.

Sincerely,

Rick Zbur  
Executive Director  
Equality California

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Equality California  
3701 Wilshire Blvd, Suite 725  
Los Angeles, CA 90010



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**Introduced by Senator Pan**

January 28, 2019

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Senate Concurrent Resolution No. 10—Relative to Fred Korematsu Day of Civil Liberties and the Constitution.

LEGISLATIVE COUNSEL’S DIGEST

SCR 10, as introduced, Pan. Fred Korematsu Day of Civil Liberties and the Constitution.

This measure would designate that January 30, 2019, be observed as Fred Korematsu Day of Civil Liberties and the Constitution.

Fiscal committee: no.

1 WHEREAS, Fred Korematsu was born in Oakland, California,  
2 on January 30, 1919, to Japanese immigrant parents. Upon  
3 graduation from Castlemont High School in 1937, Mr. Korematsu  
4 was unable to serve in the United States military because his  
5 selective service classification had been changed to “Enemy Alien,”  
6 even though he was a United States citizen. Mr. Korematsu  
7 attended the Master School of Welding and worked at the docks  
8 in Oakland as a shipyard welder, quickly rising through the ranks  
9 to foreman until his union barred all people of Japanese ancestry  
10 and his employment was terminated; and

11 WHEREAS, In 1942, Fred Korematsu refused to comply with  
12 Civilian Exclusion Order No. 34 which was authorized by President  
13 Franklin D. Roosevelt’s Executive Order No. 9066. It imposed  
14 strict curfew regulations and required over 100,000 United States  
15 citizens and permanent residents of Japanese ancestry to leave  
16 their homes on the West Coast and submit to imprisonment based  
17 solely on their ancestry; and

1 WHEREAS, Fred Korematsu was arrested on May 30, 1942,  
2 and charged with violating the military's exclusion order. While  
3 he spent two and one-half months in the Presidio stockade prison  
4 in San Francisco, California the Executive Director of the American  
5 Civil Liberties Union of Northern California, Ernest Besig, offered  
6 to defend him. Fred Korematsu was tried and convicted by a federal  
7 court and taken by military authorities to the Tanforan Assembly  
8 Center in San Bruno, California. After spending several months  
9 at Tanforan, a former horse racing track, Fred Korematsu and his  
10 family were sent to the Topaz concentration camp in Utah.  
11 Believing the discriminatory conviction violated freedoms  
12 guaranteed by the Constitution, Fred Korematsu appealed his case.  
13 Though the appeal went up to the United States Supreme Court in  
14 1944, justice was denied to Fred Korematsu when the Supreme  
15 Court upheld the conviction by a six to three vote, leaving him  
16 devastated and wondering what effect this would have on other  
17 Americans; and

18 WHEREAS, Following World War II and the release of Japanese  
19 Americans from the concentration camps, Fred Korematsu  
20 attempted to resume life as an American citizen, marrying his wife  
21 Kathryn and raising two children, Karen and Ken. He maintained  
22 his innocence through the years, but the conviction had a lasting  
23 impact on Fred Korematsu's basic rights, affecting his ability to  
24 obtain employment; and

25 WHEREAS, In 1982, with newly discovered evidence found  
26 by Peter Irons, a legal historian and attorney, and Aiko  
27 Herzog-Yoshinaga, a researcher, Fred Korematsu made the decision  
28 to reopen his 1944 conviction by petitioning for a writ of error  
29 coram nobis to have the wrongful conviction vacated. The task of  
30 retrying a legal case based on events 40 years past was complicated  
31 and novel, but a pro bono legal team composed mostly of Sansei  
32 (third generation Japanese Americans) was determined to undo  
33 the injustice perpetrated on Fred Korematsu and their own family  
34 members who were imprisoned along with Fred Korematsu; and

35 WHEREAS, The writ of error coram nobis has been extremely  
36 limited in application, but has been used by courts once an  
37 individual has been convicted and released in order to correct a  
38 court's fundamental error or to reverse a manifest injustice. For  
39 Fred Korematsu, the fundamental errors at the Supreme Court  
40 level were the suppression, alteration, and destruction by United



1 States government officials of evidence indicating that Japanese  
2 Americans were neither disloyal nor predisposed to espionage and  
3 sabotage and that no facts warranted the issuance of the military  
4 orders and Executive Order No. 9066. Thus, Fred Korematsu's  
5 lawyers argued that a fraud on the Supreme Court had been  
6 committed, resulting in Fred Korematsu's conviction; and

7 WHEREAS, After litigating for nearly a year in the United  
8 States District Court for the Northern District of California, Fred  
9 Korematsu and his legal team emerged triumphant on November  
10 10, 1983, when Judge Marilyn Hall Patel announced from the  
11 bench her decision granting the petition for the writ of error coram  
12 nobis to overturn Fred Korematsu's conviction. The written  
13 decision was published on April 19, 1984. The coram nobis  
14 decision in this case impaired the precedent of the original Supreme  
15 Court cases which validated the curfew and exclusion orders. In  
16 addition, the decisions influenced Congress' passage of the Civil  
17 Liberties Act of 1988; and

18 WHEREAS, The Civil Liberties Act of 1988 was signed into  
19 law by President Ronald Reagan and recognized the grave injustice  
20 that was done to United States residents and citizens of Japanese  
21 ancestry by the forced relocation and incarceration of civilians  
22 during World War II. Congress acknowledged that the incarceration  
23 of these Japanese Americans occurred because of racial prejudice,  
24 wartime hysteria, and a failure of political leadership. The apology  
25 extended on behalf of the United States was also intended to make  
26 more credible and to be consistent with any expressions of concern  
27 by the United States over violations of human rights committed  
28 by other nations; and

29 WHEREAS, On January 15, 1998, Fred Korematsu was awarded  
30 the Presidential Medal of Freedom. The Presidential Medal of  
31 Freedom is the highest honor bestowed upon a civilian who has  
32 made a particularly meritorious contribution to the nation's  
33 interests; and

34 WHEREAS, Fred Korematsu continued his efforts to ensure  
35 that Americans do not forget the lessons learned from our own  
36 history as he traveled across the country, speaking at various  
37 colleges, law schools, and other organizations. On March 30, 2005,  
38 a true civil liberties hero was lost when Fred Korematsu passed  
39 away at 86 years of age due to respiratory illness in San Rafael,  
40 California, leaving behind a lasting influence on the importance

1 of maintaining the constitutionally mandated guarantee of liberty  
2 for all Americans; and

3 WHEREAS, Section 6722 of the Government Code requires  
4 the Governor annually to proclaim January 30 as Fred Korematsu  
5 Day of Civil Liberties and the Constitution, and Section 37222.15  
6 of the Education Code designates that date of each year as having  
7 special significance in public schools and educational institutions  
8 and encourages those entities to observe that date by conducting  
9 exercises remembering the life of Fred Korematsu and recognizing  
10 the importance of preserving civil liberties; now, therefore, be it

11 *Resolved by the Senate of the State of California, the Assembly*  
12 *thereof concurring*, That Wednesday, January 30, 2019, be  
13 observed as Fred Korematsu Day of Civil Liberties and the  
14 Constitution; and be it further

15 *Resolved*, That Fred Korematsu's life and his willingness to  
16 assert that our civil liberties are the hallmark of our great country  
17 have left an indelible mark on the history of our nation and hold  
18 a special meaning for the people of California; and be it further

19 *Resolved*, That on Fred Korematsu Day of Civil Liberties and  
20 the Constitution, the Legislature also encourages all public schools  
21 and educational institutions to conduct exercises remembering the  
22 life of Fred Korematsu and recognizing the importance of  
23 preserving civil liberties, even in times of real or perceived crisis;  
24 and be it further

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

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Date of Hearing: February 21, 2019

ASSEMBLY COMMITTEE ON RULES  
Ken Cooley, Chair  
SCR 10 (Pan) – As Introduced January 28, 2019

**SENATE VOTE:** 37-0

**SUBJECT:** Fred Korematsu Day of Civil Liberties and the Constitution.

**SUMMARY:** Designates that January 30, 2019, be observed as Fred Korematsu Day of Civil Liberties and the Constitution. Specifically, **this resolution** makes the following legislative findings:

- 1) Fred Korematsu was born in Oakland, California, on January 30, 1919, to Japanese immigrant parents. He was unable to serve in the United States military because his selective service classification had been changed to “Enemy Alien,” even though he was a United States citizen.
- 2) In 1942, Fred Korematsu refused to comply with Civilian Exclusion Order No. 34 which was authorized by President Franklin D. Roosevelt’s Executive Order No. 9066 which imposed strict curfew regulations and required over 100,000 United States citizens and permanent residents of Japanese ancestry to leave their homes on the West Coast and submit to imprisonment based solely on their ancestry. Fred Korematsu was tried and convicted by a federal court and taken by military authorities to the Tanforan Assembly Center in San Bruno, California.
- 3) Believing the discriminatory conviction violated freedoms guaranteed by the Constitution, Fred Korematsu appealed his case. Though the appeal went up to the United States Supreme Court in 1944, justice was denied to Fred Korematsu when the Supreme Court upheld the conviction by a six to three vote, leaving him devastated and wondering what effect this would have on other Americans.
- 4) Following World War II and the release of Japanese Americans from the concentration camps, Fred Korematsu attempted to resume life as an American citizen, marrying his wife Kathryn and raising two children, Karen and Ken. He maintained his innocence through the years, but the conviction had a lasting impact on Fred Korematsu’s basic rights, affecting his ability to obtain employment.
- 5) In 1982, with newly discovered evidence found by Peter Irons, a legal historian and attorney, and Aiko Herzig-Yoshinaga, a researcher, Fred Korematsu made the decision to reopen his 1944 conviction by petitioning for a writ of error coram nobis to have the wrongful conviction vacated. After litigating for nearly a year in the United States District Court for the Northern District of California, Fred Korematsu and his legal team emerged triumphant on November 10, 1983. The coram nobis decision in this case impaired the precedent of the original Supreme Court cases which validated the curfew and exclusion orders. In addition, the decisions influenced Congress’ passage of the Civil Liberties Act of 1988.

- 6) The Civil Liberties Act of 1988 was signed into law by President Ronald Reagan and recognized the grave injustice that was done to United States residents and citizens of Japanese ancestry by the forced relocation and incarceration of civilians during World War II.
- 7) On January 15, 1998, Fred Korematsu was awarded the Presidential Medal of Freedom. The Presidential Medal of Freedom is the highest honor bestowed upon a civilian who has made a particularly meritorious contribution to the nation's interests.
- 8) Fred Korematsu continued his efforts to ensure that Americans do not forget the lessons learned from our own history as he traveled across the country, speaking at various colleges, law schools, and other organizations. On March 30, 2005, a true civil liberties hero was lost when Fred Korematsu passed away at 86 years of age due to respiratory illness in San Rafael, California, leaving behind a lasting influence on the importance of maintaining the constitutionally mandated guarantee of liberty for all Americans.
- 9) Section 6722 of the Government Code requires the Governor to annually proclaim January 30 as Fred Korematsu Day of Civil Liberties and the Constitution, and Section 37222.15 of the Education Code designates that date of each year as having special significance in public schools and educational institutions and encourages those entities to observe that date by conducting exercises remembering the life of Fred Korematsu and recognizing the importance of preserving civil liberties.

**FISCAL EFFECT:** None

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

**Analysis Prepared by:** Nicole Willis / RLS. / (916) 319-2800

**Introduced by Senator Bradford**

**(Coauthor: Senator Mitchell)**

(Coauthors: Assembly Members Burke, Cooper, Gipson, Holden,  
Jones-Sawyer, Kamlager-Dove, McCarty, and Weber)

February 4, 2019

Senate Concurrent Resolution No. 12—Relative to Black History Month.

LEGISLATIVE COUNSEL’S DIGEST

SCR 12, as introduced, Bradford. Black History Month.

This measure would recognize February 2019 as Black History Month, urge all citizens to join in celebrating the accomplishments of African Americans during Black History Month, and encourage the people of California to recognize the many talents of African Americans and the achievements and contributions they make to their communities to create equity and equality for education, economics, and social justice.

Fiscal committee: no.

- 1 WHEREAS, The history of the United States is rich with
- 2 inspirational stories of great individuals whose actions, words, and
- 3 achievements have united Americans and contributed to the success
- 4 and prosperity of the United States; and
- 5 WHEREAS, Among those Americans who have enriched our
- 6 society are the members of the African American community,
- 7 individuals whose accomplishments have contributed to every
- 8 endeavor throughout the history of our nation and who have been
- 9 steadfast in their commitment to promoting brotherhood, equality,
- 10 and justice for all; and

1 WHEREAS, August 2019 will mark 400 years since the first  
2 arrival of Africans to present-day America, and the United States  
3 Congress has established the 400 Years of African-American  
4 History Commission to commemorate the historic heritage and  
5 contributions that Americans of African descent have made to help  
6 shape the cultural, academic, social, economic, and moral attributes  
7 of this nation; and

8 WHEREAS, In August 1619, the first documented Africans  
9 arrived in the English colony of Virginia. The group, recorded  
10 upon arrival as “20 and odd Negros,” was part of a larger group  
11 of West Africans enslaved by Portuguese slave traders. They were  
12 on their way to Veracruz aboard a Portuguese ship when they were  
13 captured off the coast of Mexico by an English warship and  
14 transported to Virginia, where they were put ashore at what is now  
15 Hampton, Virginia, and sold as involuntary laborers or indentured  
16 servants; and

17 WHEREAS, Slavery had not yet been institutionalized, so the  
18 Africans were informed they would work under contract for a  
19 certain period of time before being granted freedom and the rights  
20 afforded other settlers. However, while European indentured  
21 servants were listed along with their year of expected freedom, no  
22 such information accompanied the names of the African indentured  
23 servants; and

24 WHEREAS, The historic arrival of the group of “20 and odd  
25 Negros” marked the beginning of the trend in colonial America  
26 where people of Africa were taken unwillingly from their homeland  
27 and transplanted to a foreign land, where they were condemned  
28 to a lifetime of slavery and racial discrimination; and

29 WHEREAS, During the course of the slave trade, an estimated  
30 50 million African men, women, and children were lost to their  
31 native continent, though only about 15 million arrived safely to a  
32 new home. The others lost their lives on African soil or along the  
33 Guinea coast, or finally in holds on the ships during the dreaded  
34 Middle Passage across the Atlantic Ocean; and

35 WHEREAS, In spite of the African slave trade, Africans and  
36 African Americans continued to move forward in society; during  
37 the Reconstruction period, 2 African Americans served in the  
38 United States Senate and 14 sat in the House of Representatives;  
39 and

1 WHEREAS, In 2012, California historically elected the most  
2 African Americans to serve in the Legislature, totaling 12 members;  
3 and

4 WHEREAS, This year, 2019, marks the highest number of  
5 African American members serving in the United States Congress,  
6 totaling 55 members; and

7 WHEREAS, In 2008, the first African American President of  
8 the United States was elected; and

9 WHEREAS, In 2012, President Barack H. Obama was elected  
10 to serve a second term; and

11 WHEREAS, Africans and African Americans have been great  
12 inventors, inventing and improving on innovations such as the  
13 air-conditioning unit, almanac, automatic gearshift, blood plasma  
14 bag, clothes dryer, doorknob, doorstop, electric lamp bulb, elevator,  
15 fire escape ladder, fountain pen, gas mask, golf tee, horseshoe,  
16 lantern, lawnmower, lawn sprinkler, lock, lubricating cup,  
17 refrigerating apparatus, spark plug, stethoscope, telephone  
18 transmitter, thermostat control, traffic signal, and typewriter; now,  
19 therefore, be it

20 *Resolved by the Senate of the State of California, the Assembly*  
21 *thereof concurring*, That the Legislature takes great pleasure in  
22 recognizing February 2019 as Black History Month, urges all  
23 citizens to join in celebrating the accomplishments of African  
24 Americans during Black History Month, and encourages the people  
25 of California to recognize the many talents of African Americans  
26 and the achievements and contributions they make to their  
27 communities to create equity and equality for education,  
28 economics, and social justice; and be it further

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

O

Date of Hearing: February 21, 2019

ASSEMBLY COMMITTEE ON RULES  
Ken Cooley, Chair  
SCR 12 (Bradford) – As Introduced February 4, 2019

**SENATE VOTE:** 37-0

**SUBJECT:** Black History Month.

**SUMMARY:** Recognizes February 2019 as Black History Month, and urges all citizens to join in celebrating the accomplishments of African Americans during Black History Month. Specifically, **this resolution** makes the following legislative findings:

- 1) The history of the United States is rich with inspirational stories of great individuals whose actions, words, and achievements have united Americans and contributed to the success and prosperity of the United States.
- 2) Among those Americans who have enriched our society are the members of the African American community, individuals whose accomplishments have contributed to every endeavor throughout the history of our nation and who have been steadfast in their commitment to promoting brotherhood, equality, and justice for all.
- 3) August 2019 will mark 400 years since the first arrival of Africans to present-day America, and the United States Congress has established the 400 Years of African-American History Commission to commemorate the historic heritage and contributions that Americans of African descent have made to help shape the cultural, academic, social, economic, and moral attributes of this nation.
- 4) Slavery had not yet been institutionalized, so the Africans were informed they would work under contract for a certain period of time before being granted freedom and the rights afforded other settlers. However, while European indentured servants were listed along with their year of expected freedom, no such information accompanied the names of the African indentured servants.
- 5) During the course of the slave trade, an estimated 50 million African men, women, and children were lost to their native continent, though only about 15 million arrived safely to a new home. The others lost their lives on African soil or along the Guinea coast, or finally in holds on the ships during the dreaded Middle Passage across the Atlantic Ocean.
- 6) In spite of the African slave trade, Africans and African Americans continued to move forward in society; during the Reconstruction period, two African Americans served in the United States Senate and 14 sat in the House of Representatives.
- 7) Africans and African Americans have been great inventors, inventing and improving on innovations such as the air-conditioning unit, almanac, automatic gearshift, blood plasma bag, clothes dryer, doorknob, doorstop, electric lamp bulb, elevator, fire escape ladder, fountain pen, gas mask, golf tee, horseshoe, lantern, lawnmower, lawn sprinkler, lock, lubricating cup, refrigerating apparatus, spark plug, stethoscope, telephone transmitter, thermostat control, traffic signal, and typewriter.



- 8) In 2008, the first African American President of the United States was elected. In 2012, President Barack H. Obama was elected for a second term; and, also in 2012, California historically elected the most African Americans to serve in the Legislature, totaling 12 members.
- 9) This year, 2019, marks the highest number of African American members serving in the United States Congress, totaling 55 members.

**FISCAL EFFECT:** None

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

**Analysis Prepared by:** Nicole Willis / RLS. / (916) 319-2800