



STATE CAPITOL
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Assembly
California Legislature
Committee on Rules

KEN COOLEY
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VICE CHAIR
CUNNINGHAM, JORDAN

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

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

Thursday, January 30, 2020
10 minutes prior to Session
State Capitol, Room 3162

CONSENT AGENDA

BILL REFERRALS

1. Bill Referrals

[Page 2](#)

RESOLUTIONS

- | | | | |
|----|---------------------|--|-------------------------|
| 2. | ACR-156 (Cooper) | Rosa Parks Day in California: 20th Anniversary. (refer/hear) (As proposed to be amended) | Page 5 |
| 3. | HR-70 (Quirk) | Science and Technology Week. | Page 11 |
| 4. | HR-75 (Bauer-Kahan) | Human Trafficking Awareness Month. (refer/hear) | Page 14 |
| 5. | HR-76 (Chiu) | Fred Korematsu Day of Civil Liberties and the Constitution. (refer/hear) | Page 18 |
| 6. | SCR-78 (Pan) | Korean American Day. (refer/hear) | Page 24 |



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CHIEF ADMINISTRATIVE OFFICER
DEBRA GRAVERT

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JAMES C. RAMOS
ROBERT RIVAS
BUFFY WICKS

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

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 1/29/20
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, the referral recommendation for AB 1906 has changed. The following resolutions have been added to the list of referrals: ACR 155, ACR 156, HR 76, and HR 77.

REFERRAL OF BILLS TO COMMITTEE

01/30/2020

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

Assembly Bill No.	Committee:
<u>AB 1841</u>	AGRI.
<u>AB 1841</u>	E. & R.
<u>AB 1842</u>	JUD.
<u>AB 1851</u>	L. GOV.
<u>AB 1851</u>	H. & C.D.
<u>AB 1853</u>	AGING & L.T.C.
<u>AB 1853</u>	HEALTH
<u>AB 1855</u>	HUM. S.
<u>AB 1855</u>	G.O.
<u>AB 1905</u>	H. & C.D.
<u>AB 1905</u>	REV. & TAX.
<u>AB 1906</u>	P.E. & R.
<u>AB 1907</u>	NAT. RES.
<u>AB 1907</u>	H. & C.D.
<u>AB 1912</u>	B. & P.
<u>AB 1912</u>	P. & C.P.
<u>AB 1923</u>	H. & C.D.
<u>AB 1926</u>	P.E. & R.
<u>AB 1929</u>	HUM. S.
<u>AB 1937</u>	ED.
<u>AB 1940</u>	HEALTH
<u>AB 1941</u>	U. & E.
<u>AB 1941</u>	NAT. RES.
<u>AB 1942</u>	NAT. RES.
<u>AB 1944</u>	HUM. S.
<u>AB 1945</u>	G.O.
<u>AB 1945</u>	P.E. & R.
<u>AB 1947</u>	L. & E.
<u>AB 1947</u>	JUD.
<u>AB 1948</u>	REV. & TAX.
<u>AB 1948</u>	B. & P.
<u>AB 1950</u>	PUB. S.
<u>AB 1953</u>	B. & P.
<u>AB 1955</u>	PUB. S.
<u>AB 1957</u>	L. GOV.
<u>AB 1960</u>	G.O.
<u>AB 1962</u>	REV. & TAX.
<u>AB 1963</u>	PUB. S.
<u>AB 1964</u>	TRANS.
<u>AB 1964</u>	C. & C.
<u>AB 1965</u>	HEALTH
<u>AB 1966</u>	HEALTH
<u>AB 1967</u>	HIGHER ED.
<u>AB 1967</u>	ED.

<u>AB 1968</u>	A.,E.,S.,T., & I.M.
<u>ACR 150</u>	RLS.
<u>ACR 151</u>	RLS.
<u>ACR 152</u>	TRANS.
<u>ACR 153</u>	RLS.
<u>ACR 154</u>	RLS.
<u>ACR 155</u>	RLS.
<u>ACR 156</u>	RLS.
<u>HR 75</u>	RLS.
<u>HR 76</u>	RLS.
<u>HR 77</u>	JUD.
<u>SCR 78</u>	RLS.

Assembly Concurrent Resolution

No. 156

Introduced by Assembly Member Cooper
(Principal coauthors: Assembly Members Burke, Jones-Sawyer,
and Weber)

(Principal coauthor: Senator Bradford)

(Coauthors: Assembly Members Gipson, Holden, Kamlager,
McCarty, and Reyes)

(Coauthor: Senator Mitchell)

January 28, 2020

Assembly Concurrent Resolution No. 156—Relative to Rosa Parks Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 156, as introduced, Cooper. Rosa Parks Day in California: 20th Anniversary.

This measure would memorialize the achievements of Rosa Parks in the Civil Rights Movement and would commemorate the 20th Anniversary of Rosa Parks Day in California on February 4, 2020.

Fiscal committee: no.

1 WHEREAS, Rosa Parks was born on February 4, 1913, in
2 Tuskegee, Alabama, the first child of James and Leona (Edwards)
3 McCauley; and

4 WHEREAS, Rosa Parks attended the Industrial School for Girls
5 in Montgomery, Alabama, and a secondary education led by the
6 Alabama State Teachers College for Negroes. Parks left school in
7 her senior year to attend to her sick grandmother and mother in
8 rural Alabama; and

1 WHEREAS, Rosa Louise McCauley married Raymond Parks
2 on December 18, 1932, and returned to finish her high school
3 degree in 1933. Over time, Parks became increasingly active in
4 Civil Rights issues and joined the Montgomery chapter of the
5 National Association for the Advancement of Colored People
6 (NAACP) in 1943, serving as the chapter's youth leader as well
7 as secretary to then NAACP President E.D. Nixon; and

8 WHEREAS, In September 1944, Rosa Parks boldly investigated
9 the abduction and gang rape of Recy Taylor, a then 24-year-old
10 mother and rural agriculture sharecropper walking home from
11 church. The unprosecuted crime received extensive coverage and
12 brought attention to the history of racial violence, particularly
13 against women in the Deep South. Rosa Parks founded the
14 "Committee for Equal Justice for Mrs. Recy Taylor" with the
15 support of W.E.B. Du Bois, Mary Church Terrell, and Langston
16 Hughes, among others, but still faltered under the weight of
17 entrenched Alabama bigotry; and

18 WHEREAS, Rosa Parks, "Patron Saint" for the Women's
19 Political Council of Montgomery, Alabama, was arrested on
20 December 1, 1955, for refusing to give up her seat on a bus to a
21 white man, and her stand for equal rights became legendary; and

22 WHEREAS, Rosa Parks' arrest for refusing to comply with
23 Montgomery's segregation law was the impetus for a boycott of
24 Montgomery buses, led by Dr. Martin Luther King, Jr., by
25 approximately 42,000 African Americans for 381 days; and

26 WHEREAS, The Montgomery Bus Boycott was the seminal
27 event of the Civil Rights Movement when the United States
28 Supreme Court ruled on the Browder vs. Gayle (1956) 142 F.Supp.
29 707 case, that Montgomery's segregation law was unconstitutional,
30 and on December 20, 1956, Montgomery officials were ordered
31 to desegregate buses; and

32 WHEREAS, Rosa Parks is honored as the "Mother of the
33 Modern Day Civil Rights Movement," because her refusal to
34 surrender her seat in compliance with Montgomery's segregation
35 law inspired the civil rights movement, which has resulted in the
36 breakdown of numerous legal barriers and the lessening of
37 profound discrimination against African Americans in this country;
38 and

1 WHEREAS, The courage and conviction of Rosa Parks laid the
2 foundation for equal rights for all Americans and for the Civil
3 Rights Act of 1964; and

4 WHEREAS, Rosa Parks dedicated her life to the cause of human
5 rights and truly embodied the love of humanity and freedom; now,
6 therefore, be it

7 *Resolved by the Assembly of the State of California, the Senate*
8 *thereof concurring,* That the Legislature officially remembers
9 celebrating Rosa Parks on her birthday, Friday, February 4, 2000,
10 and on this 20th Anniversary, Tuesday, February 4, 2020, the
11 Mayor and Sacramento City Council urges all residents of the City
12 of Sacramento, Capitol City of the Great State of California, to
13 pay homage to this great American woman; and be it further

14 *Resolved,* That the Chief Clerk of the Assembly transmit copies
15 of this measure to the author for appropriate distribution.

O

Date of Hearing: January 30, 2020

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 156 (Cooper) – As Proposed to be Amended January 30, 2020

SUBJECT: Rosa Parks Day in California: 20th Anniversary.

SUMMARY: Commemorates February 4, 2020, as the 20th Anniversary of Rosa Parks Day in California and memorializes the achievements of Rosa Parks in the Civil Rights Movement. Specifically, **this resolution** makes the following legislative findings:

- 1) Rosa Parks was born on February 4, 1913, in Tuskegee, Alabama, the first child of James and Leona (Edwards) McCauley; and, Parks attended the Industrial School for Girls in Montgomery, Alabama, and a secondary education led by the Alabama State Teachers College for Negroes. She left school in her senior year to attend to her sick grandmother and mother in rural Alabama.
- 2) In September 1944, Rosa Parks boldly investigated the abduction and gang rape of Recy Taylor, a then 24-year-old mother and rural agriculture sharecropper walking home from church. The unprosecuted crime received extensive coverage and brought attention to the history of racial violence, particularly against women in the Deep South. Rosa Parks founded the “Committee for Equal Justice for Mrs. Recy Taylor” with the support of W.E.B. Du Bois, Mary Church Terrell, and Langston Hughes, among others, but still faltered under the weight of entrenched Alabama bigotry.
- 3) Rosa Parks, “Patron Saint” for the Women’s Political Council of Montgomery, Alabama, was arrested on December 1, 1955, for refusing to give up her seat on a bus to a white man, and her stand for equal rights became legendary.
- 4) Rosa Parks’ arrest for refusing to comply with Montgomery’s segregation law was the impetus for a boycott of Montgomery buses, led by Dr. Martin Luther King, Jr., by approximately 42,000 African Americans for 381 days.
- 5) The Montgomery Bus Boycott was the seminal event of the Civil Rights Movement when the United States Supreme Court ruled on the Browder vs. Gayle (1956) 142 F.Supp. 707 case, that Montgomery’s segregation law was unconstitutional, and on December 20, 1956, Montgomery officials were ordered to desegregate buses.
- 6) Rosa Parks is honored as the “Mother of the Modern Day Civil Rights Movement,” because her refusal to surrender her seat in compliance with Montgomery’s segregation law inspired the civil rights movement, which has resulted in the breakdown of numerous legal barriers and the lessening of profound discrimination against African Americans in this country.
- 7) Rosa Parks dedicated her life to the cause of human rights and truly embodied the love of humanity and freedom.

COMMENTS: The proposed technical amendments correct a drafting error in the resolved clause of the resolution.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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

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Substantive

AMENDMENTS TO ASSEMBLY CONCURRENT RESOLUTION NO. 156

Amendment 1

On page 3, in lines 10 and 11, strike out “the Mayor and Sacramento City Council”

Amendment 2

On page 3, in lines 11 and 12, strike out “of the City of Sacramento, Capitol City of the Great State of California,”

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House Resolution

No. 70

Introduced by Assembly Member Quirk

January 13, 2020

House Resolution No. 70—Relative to Science and Technology Week.

1 WHEREAS, Science and technology are vital components of
2 California’s economy, livelihood, and status as a national and
3 world leader; and

4 WHEREAS, California is the nation’s preeminent science and
5 technology state, is the nation’s largest recipient of federal research
6 and development funds, and spends more money on scientific and
7 technological research than any other state; and

8 WHEREAS, California’s extended science and technology
9 community is an essential driver behind the state’s economic
10 success, leading to jobs for global companies whose foothold in
11 California demonstrates recognition of the quality of its science
12 and technology workforce; and

13 WHEREAS, California has long recognized the importance of
14 informed decisionmaking for the welfare of its citizens and is a
15 national leader in enacting proactive policies based on sound
16 scientific evidence, including, but not limited to, its internationally
17 recognized goals of reducing greenhouse gas emissions; and

18 WHEREAS, California is home to a unique, independent, and
19 nonpartisan organization, the California Council on Science &
20 Technology, which is dedicated to leveraging the expertise of many
21 of California’s most distinguished research and higher education
22 institutions on the state’s behalf, including the University of
23 California, California State University, California Community

1 Colleges, California Institute of Technology, Stanford University,
2 NASA's Ames Research Center, NASA's Jet Propulsion
3 Laboratory, Lawrence Berkeley National Laboratory, Lawrence
4 Livermore National Laboratory, Sandia National Laboratories,
5 and SLAC National Accelerator Laboratory; and

6 WHEREAS, The California Council on Science & Technology
7 is hosting a variety of activities in the State Capitol designed to
8 facilitate communication, understanding, and an exchange of
9 expertise between California's decisionmakers and the science
10 and technology community; and

11 WHEREAS, Official recognition of the importance and value
12 of science and technology to California will enhance awareness
13 and support for those activities; now, therefore, be it

14 *Resolved by the Assembly of the State of California*, That the
15 Assembly designates the week of February 2, 2020, to February
16 8, 2020, inclusive, as Science and Technology Week; and be it
17 further

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

O

Date of Hearing: January 30, 2020

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 70 (Quirk) – As Introduced January 13, 2020

SUBJECT: Science and Technology Week.

SUMMARY: Designates the week of February 2, 2020, to February 8, 2020, inclusive, as Science and Technology Week. Specifically, **this resolution** makes the following legislative findings:

- 1) Science and technology are vital components of California's economy, livelihood, and status as a national and world leader; and, California is the nation's preeminent science and technology state, is the nation's largest recipient of federal research and development funds, and spends more money on scientific and technological research than any other state.
- 2) California's extended science and technology community is an essential driver behind the state's economic success, leading to jobs for global companies whose foothold in California demonstrates recognition of the quality of its science and technology workforce.
- 3) California has long recognized the importance of informed decision making for the welfare of its citizens and is a national leader in enacting proactive policies based on sound scientific evidence, including, but not limited to, its internationally recognized goals of reducing greenhouse gas emissions.
- 4) California is home to a unique, independent, and nonpartisan organization, the California Council on Science & Technology, which is dedicated to leveraging the expertise of many of California's most distinguished research and higher education institutions on the state's behalf.
- 5) The California Council on Science & Technology is hosting a variety of activities in the State Capitol designed to facilitate communication, understanding, and an exchange of expertise between California's decision makers and the science and technology community.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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

House Resolution

No. 75

Introduced by Assembly Member Bauer-Kahan

January 23, 2020

House Resolution No. 75—Relative to Human Trafficking Awareness Month.

1 WHEREAS, Beginning in 2010, each January has been
2 designated by presidential proclamation to be National Slavery
3 and Human Trafficking Prevention Month; and

4 WHEREAS, Human trafficking is a form of modern day slavery.
5 It is a crime that involves the use of force, fraud, or coercion to
6 recruit, harbor, transport, provide, or obtain a person for the
7 purpose of labor or sexual exploitation; and

8 WHEREAS, According to the United States Department of
9 State’s 2018 Trafficking in Persons Report, 170 countries have
10 made public commitments to the eradication of human trafficking;
11 and

12 WHEREAS, The International Labour Organization (ILO)
13 estimated in 2016 that there were 40,300,000 victims of human
14 trafficking globally; and

15 WHEREAS, Eighty-one percent of human trafficking victims
16 are trapped in forced labor, 25 percent are children, and 75 percent
17 are women and girls; and

18 WHEREAS, The ILO estimates that forced labor and human
19 trafficking is a \$150-billion-a-year industry worldwide. Nine billion
20 dollars of that is estimated to be in agriculture, including forestry
21 and fishing; and

22 WHEREAS, In 2017, an estimated one out of every seven
23 endangered runaways reported to the National Center for Missing

1 and Exploited Children were likely to be child sex trafficking
2 victims. Of those, 88 percent were in the care of social services or
3 the foster system when they ran away; and

4 WHEREAS, More than two-thirds of sex trafficked children
5 suffer additional abuse at the hands of their traffickers; and

6 WHEREAS, Women and children who have been trafficked for
7 the purpose of sexual exploitation experience a significantly higher
8 rate of infection with human immunodeficiency virus (HIV) and
9 other sexually transmitted diseases, as well as tuberculosis and
10 permanent damage to the reproductive system; and

11 WHEREAS, California has one of the highest incidences of
12 human trafficking in the nation. It is a top destination for traffickers
13 because of its major harbors, airports, coastline, international
14 border, economy, and immigrant population; and

15 WHEREAS, The Federal Bureau of Investigation crime analysis
16 lists California and Nevada as having the highest rates of child
17 prostitution in the western region of the United States; and

18 WHEREAS, The National Human Trafficking Hotline reported
19 in 2018 that California is a primary location for human trafficking;
20 and

21 WHEREAS, Almost 52,000 total cases of human trafficking
22 have been reported to the National Human Trafficking Hotline
23 since 2007, with the hotline receiving more than 150 calls per day;
24 and

25 WHEREAS, According to the National Human Trafficking
26 Hotline, human trafficking has increased by 842 percent in the
27 United States since 2007, with California leading the way with the
28 largest increase in reported cases; and

29 WHEREAS, The number of cases of human trafficking reported
30 to the Polaris BeFree Textline, an SMS-based hotline for victims
31 and survivors of human trafficking and at-risk populations,
32 increases every year; and

33 WHEREAS, The Legislature recognizes the significant moral
34 and economic harm of forced labor and human trafficking to both
35 the State of California and citizens across the globe, and that
36 ignoring this problem is detrimental, not only to those enslaved,
37 but also to society as a whole; and

38 WHEREAS, The Legislature is committed to prioritizing its
39 efforts in order to provide adequate resources and services to
40 victims of human trafficking; and

1 WHEREAS, Human trafficking affects people of all ages. It is
2 necessary to remain aware of this constant modern form of slavery
3 that is happening all around us and for California to take an active
4 stance on preventing and eliminating human trafficking once and
5 for all; now, therefore, be it

6 *Resolved by the Assembly of the State of California*, That the
7 Assembly proclaims January 2020 as Human Trafficking
8 Awareness Month in California in order to encourage greater
9 awareness of human trafficking within the State of California, the
10 United States of America, and internationally; and be it further

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

O

Date of Hearing: January 30, 2020

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 75 (Bauer-Kahan) – As Introduced January 23, 2020

SUBJECT: Human Trafficking Awareness Month.

SUMMARY: Proclaims January 2020 as Human Trafficking Awareness Month in California to encourage greater awareness of human trafficking within the State of California, the United States, and internationally. Specifically, **this resolution** makes the following legislative findings:

- 1) Human trafficking is a form of modern day slavery. It is a crime that involves the use of force, fraud, or coercion to recruit, harbor, transport, provide, or obtain a person for the purpose of labor or sexual exploitation.
- 2) Beginning in 2010, each January has been designated by presidential proclamation to be National Slavery and Human Trafficking Month; and, according to the United States Department of State's 2018 Trafficking in Persons Report, 170 countries have made public commitments to the eradication of human trafficking.
- 3) The International Labour Organization (ILO) estimates that there are 40,300,000 victims of human trafficking globally. Eighty-one percent of human trafficking victims are trapped in forced labor, 25 percent are children, and 75 percent are women and girls.
- 4) In 2017, an estimated one out of every seven endangered runaways reported to the National Center for Missing and Exploited Children were likely to be child sex trafficking victims.
- 5) California has one of the highest incidences of human trafficking in the nation. It is a top destination for traffickers because of its major harbors, airports, coastline, international border, economy, and immigrant population.
- 6) The Legislature recognizes the significant moral and economic harm of forced labor and human trafficking to both the State of California and citizens across the globe.
- 7) Human trafficking affects people of all ages and it is necessary to remain aware of this constant modern form of slavery that is happening all around us and for California to take an active stance on preventing and eliminating human trafficking once and for all.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

House Resolution

No. 76

Introduced by Assembly Member Chiu
(Coauthors: Assembly Members Bonta, Chau, Chu, Gloria, Kalra,
Muratsuchi, Nazarian, and Ting)

January 28, 2020

House Resolution No. 76—Relative to Fred Korematsu Day of Civil Liberties and the Constitution.

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

18 WHEREAS, Fred Korematsu was arrested on May 30, 1942,
19 and charged with violating the military’s exclusion order. While
20 he spent two and one-half months in the Presidio stockade prison
21 in San Francisco, California the Executive Director of the American

1 Civil Liberties Union of Northern California, Ernest Besig, offered
2 to defend him. Fred Korematsu was tried and convicted by a federal
3 court and taken by military authorities to the Tanforan Assembly
4 Center in San Bruno, California. After spending several months
5 at Tanforan, a former horse racing track, Fred Korematsu and his
6 family were sent to the Topaz concentration camp in Utah.
7 Believing the discriminatory conviction violated freedoms
8 guaranteed by the Constitution, Fred Korematsu appealed his case.
9 Though the appeal went up to the United States Supreme Court in
10 1944, justice was denied to Fred Korematsu when the Supreme
11 Court upheld the conviction by a six to three vote, leaving him
12 devastated and wondering what effect this would have on other
13 Americans; and

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

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

31 WHEREAS, The writ of error coram nobis has been extremely
32 limited in application, but has been used by courts once an
33 individual has been convicted and released in order to correct a
34 court's fundamental error or to reverse a manifest injustice. For
35 Fred Korematsu, the fundamental errors at the Supreme Court
36 level were the suppression, alteration, and destruction by United
37 States government officials of evidence indicating that Japanese
38 Americans were neither disloyal nor predisposed to espionage and
39 sabotage and that no facts warranted the issuance of the military
40 orders and Executive Order No. 9066. Thus, Fred Korematsu's

1 lawyers argued that a fraud on the Supreme Court had been
2 committed, resulting in Fred Korematsu's conviction; and

3 WHEREAS, After litigating for nearly a year in the United States
4 District Court for the Northern District of California, Fred
5 Korematsu and his legal team emerged triumphant on November
6 10, 1983, when Judge Marilyn Hall Patel announced from the
7 bench her decision granting the petition for the writ of error coram
8 nobis to overturn Fred Korematsu's conviction. The written
9 decision was published on April 19, 1984. The coram nobis
10 decision in this case impaired the precedent of the original Supreme
11 Court cases which validated the curfew and exclusion orders. In
12 addition, the decisions influenced Congress' passage of the Civil
13 Liberties Act of 1988; and

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

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

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

39 WHEREAS, Section 6722 of the Government Code requires the
40 Governor annually to proclaim January 30 as Fred Korematsu Day

1 of Civil Liberties and the Constitution, and Section 37222.15 of
2 the Education Code designates that date of each year as having
3 special significance in public schools and educational institutions
4 and encourages those entities to observe that date by conducting
5 exercises remembering the life of Fred Korematsu and recognizing
6 the importance of preserving civil liberties; now, therefore, be it
7 *Resolved by the Assembly of the State of California, That*
8 Thursday, January 30, 2020, be observed as Fred Korematsu Day
9 of Civil Liberties and the Constitution; and be it further
10 *Resolved, That* Fred Korematsu’s life and his willingness to
11 assert that our civil liberties are the hallmark of our great country
12 have left an indelible mark on the history of our nation and hold
13 a special meaning for the people of California; and be it further
14 *Resolved, That* on Fred Korematsu Day of Civil Liberties and
15 the Constitution, the Legislature also encourages all public schools
16 and educational institutions to conduct exercises remembering the
17 life of Fred Korematsu and recognizing the importance of
18 preserving civil liberties, even in times of real or perceived crisis;
19 and be it further
20 *Resolved, That* the Chief Clerk of the Assembly transmit copies
21 of this resolution to the author for appropriate distribution.

O

Date of Hearing: January 30, 2020

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 76 (Chiu) – As Introduced January 28, 2020

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

SUMMARY: Recognizes January 30, 2020, 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 Pan
(Coauthor: Senator Chang)**

January 13, 2020

Senate Concurrent Resolution No. 78—Relative to Korean American Day.

LEGISLATIVE COUNSEL’S DIGEST

SCR 78, as introduced, Pan. Korean American Day.

This measure would proclaim January 13, 2020, as Korean American Day.

Fiscal committee: no.

1 WHEREAS, On January 13, 1903, the history of Korean
2 immigration to America began when 102 courageous Korean men,
3 women, and children landed in the State of Hawaii after venturing
4 across the vast Pacific Ocean aboard the SS Gaelic; and

5 WHEREAS, The hopes of these Korean immigrants for America,
6 the land of opportunity, were quickly hindered by social, economic,
7 and language barriers of unforeseen magnitude; and

8 WHEREAS, These Korean immigrants did not falter in their
9 pursuit of the American dream. Through perseverance and sacrifice,
10 they established a new home in a new land and educated their
11 children; and

12 WHEREAS, Between 1904 and 1907, approximately 1,000
13 Korean Americans entered the United States mainland from the
14 State of Hawaii through the City of San Francisco, where the first
15 Korean American political organizations and Korean language
16 publications were established; and

1 WHEREAS, Many Korean Americans left the City of San
2 Francisco, primarily to become farmworkers. Some Korean
3 Americans combined their money and resources to lease farmland
4 near the Towns of Dinuba and Reedley in the San Joaquin Valley
5 and in the Sacramento Valley. Dozens of other Korean Americans
6 served as wage laborers for mining companies and as section hands
7 on the railroads in the States of Montana, Oregon, Utah, and
8 Washington; and

9 WHEREAS, The Japanese occupation of Korea prevented
10 further Korean immigration into the United States. However, many
11 Korean Americans desired to establish families in the United States,
12 despite the new limitations on immigration. As a result, a picture
13 bride system was established, which delivered approximately 1,000
14 new Korean immigrants to the State of Hawaii, and 100 more to
15 the Pacific Coast of the United States mainland, before 1924; and

16 WHEREAS, The city of San Francisco remained the center of
17 the Korean American community during this period, but there was
18 a gradual migration of Korean Americans from the City of San
19 Francisco, and the surrounding rural areas, to southern California.
20 As more employment opportunities opened up, a new, burgeoning
21 community of Korean Americans began to thrive in the Los
22 Angeles area; and

23 WHEREAS, While the first Korean immigrants to the United
24 States fought and sacrificed to establish themselves, their children
25 grew up to be patriotic citizens, many of whom went on to serve
26 in the Armed Forces of the United States during World War II and
27 to make other important contributions to mainstream American
28 society; and

29 WHEREAS, The 1965 amendments to the federal Immigration
30 and Nationality Act (Public Law 89-236) opened the door for a
31 new wave of Korean immigrants to enter the United States. Since
32 its enactment, Korean Americans have become one of the fastest
33 growing groups of Asian Americans in the United States. In 1960,
34 approximately 25,000 people of Korean ancestry lived in the United
35 States, but by 1970, that number had increased to 69,130. By 1980,
36 the number of people of Korean ancestry living in the United States
37 had increased over fivefold to 354,593, and, by 1990, that number
38 more than doubled, increasing to 798,849. In 2010, it was estimated
39 that 1,706,822 people with some Korean ancestry lived in the

1 United States, representing more than a 67-fold increase since
2 1960; and

3 WHEREAS, With diligence, fortitude, and an enduring belief
4 in the American dream, Korean immigrants have helped to turn
5 emergent areas within the State of California into thriving and
6 respectable communities, while raising their children to be
7 productive Korean Americans; and

8 WHEREAS, Korean Americans have become an integral part
9 of mainstream American society and have made important
10 contributions as Californians in the fields of finance, technology,
11 law, medicine, education, sports, media, the arts, the military, and
12 government, as well as other areas; and

13 WHEREAS, As the Korean American community prepares for
14 a new era and creates new history, Korean Americans must instill
15 in younger generations the proper appreciation for the courage and
16 values of their forefathers, a deep sense of their roots, and pride
17 in their own cultural heritage so that they may continue to
18 contribute to the great State of California, rich with ethnic and
19 cultural diversity; now, therefore, be it

20 *Resolved by the Senate of the State of California, the Assembly*
21 *thereof concurring*, That the Legislature hereby proclaims January
22 13, 2020, as Korean American Day; and be it further

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

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Date of Hearing: January 30, 2020

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
SCR 78 (Pan) – As Introduced January 13, 2020

SENATE VOTE: 37-0

SUBJECT: Korean American Day.

SUMMARY: Proclaims January 13, 2020, as Korean American Day. Specifically, **this resolution** makes the following legislative findings:

- 1) On January 13, 1903, the history of Korean immigration to America began when 102 courageous Korean adults and children ventured across the Pacific Ocean aboard the S.S. Gaelic and landed in Hawaii.
- 2) While the first Korean immigrants fought and sacrificed to establish themselves in the United States, their children grew up to be patriotic citizens, served in the Armed Forces of the United States during World War II, and made other important contributions to mainstream American society.
- 3) With diligence, fortitude, and an enduring belief in the American dream, Korean immigrants have helped to turn emergent areas within the State of California into thriving and respectable communities, while raising their children to be productive Korean Americans.
- 4) Korean Americans have made important contributions as Californians in the fields of finance, technology, law, medicine, education, sports, media, the arts, the military, and government, as well as other areas.
- 5) As the Korean American community prepares for a new era and creates new history, Korean Americans must instill in younger generations the proper appreciation for the courage and values of their forefathers, a deep sense of their roots, and pride in their own cultural heritage so that they may continue to contribute to the great State of California.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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