

Whereas, after his arrest, Fred Korematsu—

(1) was held for 2½ months in the Presidio stockade in San Francisco, California;

(2) was convicted on September 8, 1942, of violating the Civilian Exclusion Order and sentenced to 5 years of probation; and

(3) was detained at Tanforan Assembly Center, a former horse racetrack used as a holding facility for Japanese Americans before he was exiled with his family to the Topaz incarceration camp in the State of Utah;

Whereas more than 120,000 Japanese Americans were similarly detained, with no charges brought and without due process, in 10 permanent War Relocation Authority camps located in isolated desert areas of the States of Arizona, Arkansas, California, Colorado, Idaho, Utah, and Wyoming;

Whereas the people of the United States subject to the Civilian Exclusion Order lost their homes, livelihoods, and the freedoms inherent to all people of the United States;

Whereas Fred Korematsu unsuccessfully challenged the Civilian Exclusion Order as it applied to him and appealed the decision of the United States District Court to the United States Court of Appeals for the Ninth Circuit, which sustained his conviction;

Whereas Fred Korematsu was subsequently confined with his family in the incarceration camp in Topaz, Utah, for 2 years, and during that time, Fred Korematsu appealed his conviction to the Supreme Court of the United States;

Whereas, on December 18, 1944, the Supreme Court of the United States issued *Korematsu v. United States*, 323 U.S. 214 (1944), which—

(1) upheld the conviction of Fred Korematsu by a vote of 6 to 3; and

(2) concluded that Fred Korematsu was removed from his home not based on hostility toward him or other Japanese Americans but because the United States was at war with Japan and the military feared a Japanese invasion of the West Coast;

Whereas, in his dissenting opinion in *Korematsu v. United States*, 323 U.S. 214 (1944), Justice Frank Murphy called the Civilian Exclusion Order the “legalization of racism”;

Whereas Fred Korematsu continued to maintain his innocence for decades following World War II, and his conviction hampered his ability to gain employment;

Whereas, in 1982, legal historian Peter Irons and researcher Aiko Yoshinaga-Herzig gained access to Government documents under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”), that indicate that while the case of Fred Korematsu was before the Supreme Court of the United States, the Federal Government misled the Supreme Court of the United States and suppressed findings that Japanese Americans on the West Coast were not security threats;

Whereas, in light of the newly discovered information, Fred Korematsu filed a writ of error coram nobis with the United States District Court for the Northern District of California, and on November 10, 1983, United States District Judge Marilyn Hall Patel issued her decision in *Korematsu v. United States*, 584 F. Supp. 1406 (N.D. Cal. 1984), that—

(1) overturned the conviction of Fred Korematsu;

(2) concluded that, at the time that senior Government officials presented their case before the Supreme Court of the United States in 1944, the senior Government officials knew there was no factual basis for the claim of military necessity for the Civil Exclusion Order; and

(3) stated that although the decision of the Supreme Court of the United States in

*Korematsu v. United States*, 323 U.S. 214 (1944), remains on the pages of United States legal and political history, “[a]s historical precedent it stands as a constant caution that in times of war or declared military necessity our institutions must be vigilant in protecting constitutional guarantees”;

Whereas the Commission on Wartime Relocation and Internment of Civilians, authorized by Congress in 1980 to review the facts and circumstances surrounding the relocation and incarceration of Japanese Americans under Executive Order 9066 (7 Fed. Reg. 1407 (February 25, 1942)), concluded that—

(1) the decision of the Supreme Court of the United States in *Korematsu v. United States*, 323 U.S. 214 (1944), is overruled by the court of history;

(2) a grave personal injustice was done to the United States citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them, were excluded, removed, and detained by the United States during World War II; and

(3) the exclusion, removal, and detention of United States citizens and resident aliens of Japanese ancestry was motivated largely by “racial prejudice, wartime hysteria, and a failure of political leadership”;

Whereas the overturning of the conviction of Fred Korematsu and the findings of the Commission on Wartime Relocation and Internment of Civilians influenced the decision by Congress to pass the Civil Liberties Act of 1988 (50 U.S.C. 4211 et seq.) to request a Presidential apology and the symbolic payment of compensation to people of Japanese ancestry who lost liberty or property due to discriminatory actions of the Federal Government;

Whereas, on August 10, 1988, President Reagan signed the Civil Liberties Act of 1988 (50 U.S.C. 4211 et seq.), stating, “[H]ere we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law.”;

Whereas, on January 15, 1998, President Clinton awarded the Medal of Freedom, the highest civilian award of the United States, to Fred Korematsu, stating, “[i]n the long history of our country’s constant search for justice, some names of ordinary citizens stand for millions of souls: Plessy, Brown, Parks. To that distinguished list, today we add the name of Fred Korematsu.”;

Whereas Fred Korematsu remained a tireless advocate for civil liberties and justice throughout his life by—

(1) speaking out against racial discrimination and violence; and

(2) cautioning the Federal Government against repeating mistakes of the past that singled out individuals for heightened scrutiny on the basis of race, ethnicity, nationality, or religion;

Whereas, on March 30, 2005, Fred Korematsu died at the age of 86 in Marin County, California; and

Whereas Fred Korematsu is a role model for all people of the United States who love the United States and the promises contained in the Constitution of the United States, and the strength and perseverance of Fred Korematsu serve as an inspiration for all people who strive for equality and justice: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Fred Toyosaburo Korematsu for his—

(A) loyalty and patriotism to the United States;

(B) work to advance the civil rights and civil liberties of all people of the United States; and

(C) dedication to justice and equality;

(2) recognizes January 30, 2018, as “Fred Korematsu Day of Civil Liberties and the Constitution”;

(3) denounces any effort to discriminate against any individual based on the national origin or religion of the individual.

# SENATE RESOLUTION 388—RECOGNIZING JANUARY 27, 2018, AS THE ANNIVERSARY OF THE FIRST REFUGEE AND MUSLIM BAN, AND URGING THE PRESIDENT TO DEMONSTRATE TRUE LEADERSHIP ON REFUGEE RESETTLEMENT

Mr. BLUMENTHAL (for himself, Mr. BOOKER, Ms. CANTWELL, Ms. HIRONO, Mr. DURBIN, Mr. MARKEY, Mr. VAN HOLLEN, Mr. BROWN, Ms. DUCKWORTH, Mr. SCHATZ, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES. 388

Whereas the world is in the midst of the worst global displacement crisis in history, with more than 22,500,000 refugees worldwide, according to the United Nations High Commissioner for Refugees (UNHCR) estimates;

Whereas, in fiscal year 2017, UNHCR projected that more than 1,200,000 refugees were in need of resettlement to a third country, and this projection continues to grow in 2018;

Whereas the United States resettlement program is a life-saving solution critical to global humanitarian efforts, which serves to strengthen global security, leverage United States foreign policy goals, and support regional host countries while serving individuals and families in need;

Whereas, for over 40 years, the United States has resettled up to 200,000 refugees per year, with an average ceiling of 95,000 refugees per year, and on average actually resettled 80,000 refugees per year;

Whereas refugees are the most vetted travelers to enter the United States and are subject to extensive screening checks, including in person interviews, biometric data checks, and multiple interagency checks;

Whereas, it would be an abdication of United States leadership to resettle fewer than 75,000 refugees next fiscal year;

Whereas the United States refugee resettlement system emphasizes early self-sufficiency through employment, and most adult refugees are employed within their first six months of arriving to the United States;

Whereas refugees contribute to their communities by starting businesses, paying taxes, sharing their cultural traditions, and being involved in their neighborhoods, and reports have found that refugees contribute more than they consume in state-funded services – including for schooling and health care;

Whereas, on January 27, 2017, President Donald J. Trump released an executive order banning individuals from seven Muslim-majority countries and all refugees from entering the country;

Whereas, since that time, the President has taken further executive action to ban people from Muslim-majority countries and has taken steps to dismantle the United States refugee program;

Whereas, in September 2017, President Trump announced a Presidential Determination of 45,000 for fiscal year 2018, the lowest refugee admissions ceiling ever set;

Whereas, during the first three months of fiscal year 2018, the United States welcomed a total of 5,323 refugees, in spite of the fact that to meet the 45,000 ceiling, 11,250 individuals should have arrived during this time period;

Whereas, at this pace, the United States may only admit between 15,000-20,000 refugees this year; and

Whereas, United States structures and funding constrictions have resulted in lowered capacity and loss of institutional memory and experience in the successful United States Refugee Admissions Program: Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms our country's proud history of refugee resettlement;

(2) recognizes January 27, 2018, as the anniversary of the first refugee and Muslim ban;

(3) reaffirms the strong bipartisan commitment of the United States to promote the safety, health, and well-being of the millions of refugees;

(4) underscores the importance of the United States Refugee Resettlement Program as a critical tool for United States global leadership;

(5) recognizes the profound consequences faced by refugees and their families who have been stranded, separated, and scarred by current United States policies, leaving many mid-process and more with little hope of anticipated United States entry; and

(6) calls upon the United States Government—

(A) to resettle 45,000 refugees in fiscal year 2018;

(B) to resettle at least 75,000 refugees in fiscal year 2019;

(C) to uphold its international leadership role in responding to displacement crises with humanitarian assistance and protection of the most vulnerable populations; and

(D) to recommit to offering freedom from oppression and resettling the most vulnerable refugees regardless of their country of origin or religious beliefs.

#### SENATE RESOLUTION 389—COMMEMORATING THE COMMISSIONING OF THE USS “OMAHA”

Mrs. FISCHER (for herself and Mr. SASSE) submitted the following resolution; which was considered and agreed to:

S. RES. 389

Whereas the great city of Omaha, Nebraska, was founded on July 4, 1854;

Whereas the Lone Tree Ferry bringing pioneers across the Missouri River into Omaha caused Omaha to become known as the “Gateway to the West”; and

Whereas Nebraska is the only triply landlocked State in the Union;

Whereas the first USS *Omaha* was a screw sloop launched in 1869, 2 years after Nebraska became a State on March 1, 1867;

Whereas the second USS *Omaha* (CL-4) was an *Omaha* class light cruiser commissioned on February 24, 1923;

Whereas the USS *Omaha* (CL-4) served in both the Pacific and Atlantic theaters and captured a German blockade runner a month before World War II officially began;

Whereas the Nebraska Admirals Association, formed in 1931, has had thousands of Admirals commissioned in the Nebraska Navy to promote “The Good Life”; and

Whereas the Big Red Sub Club—

(1) was formed to support the crews of the USS *Nebraska* (SSBN-739); and

(2) is the most active State organization supporting the submarine fleet of the United States;

Whereas the Navy League of the United States, Nebraska Council, strongly supports a strong United States Navy for national security;

Whereas on June 11, 2012, Secretary of the Navy Ray Mabus announced that an *Inde-*

*pendence* class littoral combat ship would be named the United States Ship *Omaha*;

Whereas on November 20, 2015, the United States Navy launched the USS *Omaha*;

Whereas on December 19, 2015, the USS *Omaha* was christened in Mobile, Alabama, sponsored by Omaha philanthropist Susie Buffett; and

Whereas on February 3, 2018, the USS *Omaha* will be commissioned: Now, therefore, be it

*Resolved*, That the Senate commemorates—

(1) the commissioning of the United States Ship *Omaha* (LCS-12); and

(2) the mission of the USS *Omaha* as a networked, agile, stealthy surface combatant capable of defeating antiaccess and asymmetric threats in the littorals.

Mrs. FISCHER. Mr. President, I rise this evening to call up and pass a resolution recognizing the commissioning of the USS *Omaha*.

This weekend, the USS *Omaha* is scheduled to be commissioned in the United States Navy as one of our newest *Independence* Class Littoral Combat Ships.

As the only triply landlocked State in the union, you may not think of Nebraska when you think about the world's oceans.

And while we are proud of our heartland heritage, we are equally proud of the ships that have carried the name “USS *Omaha*” to the far corners of the globe.

Just two years after Nebraska became a State, the USS *Omaha*, a screw sloop, was launched in 1869, helping to grow our young Nation's navy.

The second USS *Omaha*, launched in 1923, served with distinction in World War II, capturing a German blockade runner a month before the war officially began.

And now this upcoming weekend, we welcome the newest USS *Omaha*, LCS-12, which carries the distinction of being among our Nation's newest Littoral Combat Ships.

She will enter the navy as an agile surface combatant, and one which I know will prove to be a capable tool in our Nation's naval arsenal.

Though Nebraska may be far from open water that has not stopped countless men and women from our State from answering the call to serve in the United States Navy.

Their service and sacrifice, both in times of war and peace, have helped ensure that the United States continues to enjoy freedom of navigation around the world.

For that reason, I am honored to know that now we will once again have another USS *Omaha* carrying on this proud tradition, and urge my colleagues to join me in recognizing this momentous occasion.

To the crew of the USS *Omaha*, I wish you well in your mission and all the years of distinguished service to come.

May you enjoy fair winds and following seas, and know that you have the best wishes of the State of Nebraska behind you.

Thank you Mr. President. I yield the floor.

#### SENATE RESOLUTION 390—RAISING AWARENESS AND ENCOURAGING THE PREVENTION OF STALKING BY DESIGNATING JANUARY 2018 AS “NATIONAL STALKING AWARENESS MONTH”

Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, Mrs. FEINSTEIN, Mr. CRAPO, and Ms. HIRONO) submitted the following resolution; which was considered and agreed to:

S. RES. 390

Whereas approximately 16 percent of women in the United States, at some point during their lifetimes, have experienced stalking victimization, during which the women felt very fearful or believed that they or someone close to them would be harmed or killed;

Whereas, during a 1-year period, an estimated 7,300,000 individuals in the United States reported that they had been victims of stalking;

Whereas more than 80 percent of victims of stalking reported that they had been stalked by someone they knew;

Whereas nearly 70 percent of stalking victims were threatened with physical harm by stalkers;

Whereas 11 percent of victims of stalking reported having been stalked for more than 5 years;

Whereas two-thirds of stalkers pursue their victims at least once a week;

Whereas many victims of stalking are forced to take drastic measures to protect themselves, including changing their identities, relocating, changing jobs, or obtaining protection orders;

Whereas the prevalence of anxiety, insomnia, social dysfunction, and severe depression is much higher among victims of stalking than the general population;

Whereas many victims of stalking do not report stalking to the police or contact a victim service provider, shelter, or hotline;

Whereas stalking is a crime under Federal law and the laws of all 50 States, the District of Columbia, and the territories of the United States;

Whereas stalking affects victims of every race, age, culture, gender, sexual orientation, physical and mental ability, and economic status;

Whereas national organizations, local victim service organizations, campuses, prosecutor's offices, and police departments stand ready to assist victims of stalking and are working diligently to develop effective and innovative responses to stalking;

Whereas there is a need to improve the response of the criminal justice system to stalking through more aggressive investigation and prosecution;

Whereas there is a need for an increase in the availability of victim services across the United States, and the services must include programs tailored to meet the needs of victims of stalking;

Whereas individuals 18 to 24 years old experience the highest rates of stalking victimization, and rates of stalking among college students exceed rates of stalking among the general population;

Whereas up to 75 percent of women in college who experience behavior relating to stalking experience other forms of victimization, including sexual or physical victimization;

Whereas there is a need for an effective response to stalking on each campus; and

Whereas the Senate finds that “National Stalking Awareness Month” provides an opportunity to educate the people of the United States about stalking: Now, therefore, be it