

2018 Third Extraordinary Session

SENATE RESOLUTION NO. 9

BY SENATOR MORRELL

MILITARY AFFAIRS. Requests the governor to recall troops and other assets of the Louisiana National Guard from the United States-Mexico border until all children separated from their families at the border pursuant to the zero-tolerance memorandum are reunited with their families and the practice of systematically separating children from their families ceases.

1 A RESOLUTION

2 To urge and request the governor of the state of Louisiana to recall any troops or other assets
3 of the Louisiana National Guard from the United States-Mexico border until all
4 children separated from their families at the border pursuant to the zero-tolerance
5 memorandum are reunited with their families and the practice ceases of
6 systematically separating children from their families on the sole ground that the
7 parent or legal guardian is present in the United States in violation of federal
8 immigration laws.

9 WHEREAS, since 2014, because of rampant violence and gang activity in central
10 American countries, hundreds of thousands of children and families have fled to the United
11 States seeking entry pursuant to U.S. laws that provide asylum or refugee status as
12 humanitarian relief to qualified applicants; and

13 WHEREAS, upon taking office in January of 2017, United States President Donald
14 J. Trump signed an executive order titled "Border Security and Immigration Enforcement
15 Improvements", which shifted policy in many ways, particularly mandating the detention at
16 the southern border of any individual suspected of violating federal immigration law; and

17 WHEREAS, during the first fifteen months following the issuance of the executive
18 order, hundreds of thousands of individuals were apprehended, and more than 100,000 of

1 those immigrants were released; the total released includes more than 37,500 unaccompanied
2 minors and more than 61,000 family members; and

3 WHEREAS, on April 4, 2018, President Trump signed a Presidential Memorandum
4 for the U.S. Secretary of Defense, the U.S. Attorney General, and the U.S. Secretary of
5 Homeland Security regarding immigration wherein he directed Secretary of Defense Jim
6 Mattis to request the use of National Guard personnel to assist the Department of Homeland
7 Security in securing the southern border of the United States; and

8 WHEREAS, the Presidential Memorandum also directed Secretary Mattis and
9 Secretary of Homeland Security Kirstjen Michele Nielsen, in coordination with Attorney
10 General Jefferson Sessions, to submit to the President, within thirty days, a report detailing
11 their findings and an action plan; and

12 WHEREAS, on April 6, 2018, Attorney General Sessions issued a memorandum for
13 federal prosecutors along the southwest border of the United States providing for "Zero-
14 Tolerance for Offenses Under 8 U.S.C. §1325(a)", which is the federal law providing
15 misdemeanor and felony penalties for the improper entry into the United States by an alien;
16 and

17 WHEREAS, since the issuance of the zero-tolerance memorandum, when families
18 or individuals are apprehended by the U.S. Border Patrol, they are taken into custody by the
19 Department of Homeland Security, which then refers any adult "believed to have committed
20 any crime, including illegal entry" to the Department of Justice for prosecution and refers
21 any children to the custody of the Office of Refugee Resettlement of the Department of
22 Health and Human Services until they can be placed with a sponsor in the United States; and

23 WHEREAS, the implementation of this policy shift has had the effect of
24 systematically dividing families between the adults and the children and putting them on
25 different tracks in the system, in addition to prioritizing any adults suspected of committing
26 misdemeanors at the same level in the system as individuals suspected to be dangerous
27 criminals, gang members, or national security threats; and

28 WHEREAS, in fact, since the issuance of the zero-tolerance memorandum, over
29 2,300 children have been separated from their families despite many Americans calling the
30 effect on immigrant families of this shift in policy "cruel and inhumane" and a "moral

1 outrage", and several states have either restricted or withdrawn their National Guard troops
2 and other assets activated in response to Defense Secretary Mattis' request; and

3 WHEREAS, in response to the mounting public pressure, on June 20, 2018, President
4 Trump signed another executive order titled "Affording Congress an Opportunity to Address
5 Family Separation", which directed the Department of Homeland Security "to the extent
6 permitted by law and subject to availability of appropriations, maintain custody of alien
7 families during the pendency of any criminal improper entry or immigration proceeding
8 involving their members"; and

9 WHEREAS, the executive order also directed Attorney General Sessions to file a
10 request with the United States District Court to modify the Settlement Agreement in *Flores*
11 *v. Sessions*, CV 85-4544, to allow detainment of alien families together throughout the
12 pendency of criminal proceedings for improper entry or any removal or other immigration
13 proceedings; and

14 WHEREAS, the *Flores* consent decree requires the federal government to release
15 rather than detain all undocumented immigrant children, whether they crossed with their
16 family or alone; the decree does not pertain to any family member who may be
17 accompanying a child and it does not require that a family member be prosecuted or that the
18 family member be separated from their child; and

19 WHEREAS, the June 20th executive order did not provide any directives regarding
20 the 2,300 plus children who have already been separated from their families; and

21 WHEREAS, Louisiana has always been considered a diverse and family-friendly
22 state with many multi-generational cultural events and traditions, and our citizen soldiers
23 should not be required to participate in such a vile, abhorrent, and unconscionable practice;
24 and

25 WHEREAS, while securing our southern border is a valid concern, Louisiana should
26 join other states and exercise its authority under Title 32 of the United States Code to re-
27 examine the federal request for National Guard assistance and immediately cancel any
28 agreement that sends troops or other assets to the area until families separated over the past
29 several weeks are reunited and the systematic separation of children from their parents
30 permanently ceases.

1 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana
2 does hereby request the governor of the state of Louisiana to recall any troops or other assets
3 of the Louisiana National Guard from the United States-Mexico border until all children
4 separated from their families at the border pursuant to the zero-tolerance memorandum are
5 reunited with their families and the practice ceases of systematically separating children
6 from their families on the sole ground that such parent or legal guardian is present in the
7 United States in violation of federal immigration laws.

8 BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to
9 Governor John Bel Edwards.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Dawn Romero Watson.

DIGEST

SR 9 Original

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Morrell

Requests the governor to recall any troops or other assets of the Louisiana National Guard from the United States-Mexico border until all children separated from their families at the border pursuant to the zero-tolerance memorandum are reunited with their families and the practice ceases of systematically separating children from their families on the sole ground that such parent or legal guardian is present in the United States in violation of federal immigration laws.