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SUBJECT OF RESOLUTION: ILLEGAL IMMIGRATION

SUBMITTED TO: CITY OF LONG BEACH

SUBMITTED BY: MINUTEMAN PROJECT [MMP]

WHEREAS: This Resolution is being presented to the City of Long Beach a municipality of the State of California; Mayor Bob Foster of Long Beach City; the Long Beach City Council, Robert E. Shannon Long Beach City Attorney, Thomas M. Reeves, Long Beach City Prosecutor, Gerald R. "Jerry" Miller, City Manager, City of Long Beach, and Chief Anthony W. Batts, Long Beach Police Department regarding the multiple violations of Federal Statues; the California Constitution; and multiple California State Codes.

WHEREAS: the Mayor of the City of Long Beach, and the Long Beach City Council have all conspired, to supersede the Natural Moral Law of God-in that they are not upholding their oath to protect the citizens at large-or those in the process of legally becoming citizens-from repeat violent illegal alien offenders. They have also violated, Federal Constitutional Article I Section 8; also Article IV Section 3-Paragraph 2; and Section 4; as well as Article 1, Section 26, California Constitution, and the will of the People of California.

WHEREAS: Pursuant to the U.S. Constitution Article IV § 4; The United states shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

WHEREAS: A Republican form of Government's purpose is "to first, secure its own citizen's Unalienable (Natural) Rights of life, liberty, and property."

WHEREAS: A Republican form of Government can only derive such power, "from the consent of the governed." And every person's character plays a vital role in helping to secure the peace, safety and happiness of a Free State.

WHEREAS: Men have a right and a duty to form governments to secure their rights, and to

assist one another in striving for happiness.

WHEREAS: Men are authorized by the Creator to defend these rights, and accordingly, so are the governments they form. From this authority proceeds the right and duty to defend national sovereignty and security.

WHEREAS: Governments are made legitimate by the consent of the free and equal persons who form and sustain them. Governmental powers are always to be understood as a delegation from the persons who compact to form the political community.

WHEREAS: To enjoy the right of political self-government, men must be capable of personal self-government--the virtue of self-control. A people without decency cannot be secure in its liberty.

WHEREAS: *"The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise."* Article 1, Section 26, California Constitution.

WHEREAS: *Review of the "Oath of Office," as promised by law enforcement personnel, legislators, and other elected officials, shows clear direction and guidance to those persons as a condition to accepting their office.*

WHEREAS: *Article 20, Section 3 of the California Constitution reads: "Members of the Legislature, and all public officers and employees, executive, legislative, and judicial, except such inferior officers and employees as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:*

*I, _____, do solemnly swear (or affirm) that I will **support and defend** the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear **true faith** and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."*

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means; that within the five years immediately preceding the taking of this oath (or affirmation) I have not been a member of any party or organization, political or otherwise, that advocated the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means except as follows: (If no affiliations, write in the words "No Exceptions") and that during such time as I hold the office of (name of office) I will not advocate nor become a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means."

WHEREAS: CALIFORNIA PENAL CODE

PENAL CODE SECTION 118(a) (b) STATES THE FOLLOWING;

118. (a) Every person who, having taken an oath that he or she will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which the oath may by law of the State of California be administered, willfully and contrary to the oath, states as true any material matter which he or she knows to be false, and every person who testifies, declares, deposes, or certifies under penalty of perjury in any of the cases in which the testimony, declarations, depositions, or certification is permitted by law of the State of California under penalty of perjury and willfully states as true any material matter which he or she knows to be false, is guilty of perjury. This subdivision is applicable whether the statement, or the testimony, declaration, deposition, or certification is made or subscribed within or without the State of California.

(b) No person shall be convicted of perjury where proof of falsity rests solely upon contradiction by testimony of a single person other than the defendant. Proof of falsity may be established by direct or indirect evidence.

WHEREAS: The Illegal Immigration Reform Act-added in 1994 by Prop. 187, to the State Penal Code as, (834b)-to preserve California's Public Safety reads: Section VI. Law Enforcement Cooperation with United States Citizen's and Immigration Services:

(a.) "Every law enforcement agency in California shall fully cooperate with the United States Bureau of U.S. Citizenship and Immigration Services (USCIS) regarding any person who is arrested, if he or she is suspected of being present in the United States in violation of federal immigration laws."

(c.) "Any legislative, administrative, or other action by a city, county, or other legally authorized local government entity with jurisdictional boundaries, or by a law enforcement agency, to prevent or limit the cooperation required by subdivision (a) Is expressly prohibited."

WHEREAS: The Federal law being violated by the City of Long Beach is section 642(a) of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. A long title. It says the following:

"Notwithstanding any other provision of Federal, State or local law, a Federal, State or local government entity or official may not prohibit or in any way restrict any government entity or official from sending to or receiving from the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual."

WHEREAS: Many Hispanics claim they are entitled to and want to "take back" Arizona, New Mexico, California and Texas: that those states are actually part of Mexico and were stolen by the United States. Is that true?

WHEREAS: Mexico Lost the Mexican-American War. As the winner, the United States could have taken possession of all Mexico. Instead, in the treaty of 1848, the U.S. preferred to purchase the Southwest territory for \$15 million. The United States could have considered the territory war booty; however, it paid Spain \$15 million. In addition to the purchase, the U.S.

gave Spain \$3 million dollars in reparations. At the time, the market value of the land was \$5 per acre; therefore, the price the U.S. paid was equal to \$30 per acre, six times the actual market value. The borders of Mexico were established at the time of the land purchase. It is historically inaccurate to claim that the United States “stole” that land from Mexico. The U.S. in fact, overpaid for land that became Arizona, New Mexico, California and Texas.

WHEREAS: The Treaty of Guadalupe Hidalgo [Feb. 2, 1848]: established the Southern borders and the Gadsden Purchase Treaty [Dec 30, 1853] rectified the ambiguities in the Treaty of Guadalupe Hidalgo;

WHEREAS: the Federal Government has been AWOL, if you will, on enforcing its own laws, and that is undeniably true. But that does not in any way, shape or form, give leave to cities and States across the Nation to develop their own immigration policies, which is exactly what has been happening particularly in the City of Long Beach.

WHEREAS: The sanctuary city phenomenon presents an amazing paradox. Under our legal system, under the rule of recall that is the bedrock principle of our Nation, any person of any rank or any amount of wealth can be arrested if he has a warrant outstanding. A Congressman? Yes. A nationally renowned sports hero? Yes. A veteran who holds the Medal of Honor? Yes. If there is a warrant outstanding, each of these citizens is subject to arrest by the lowest ranking police officer in any jurisdiction of this Nation. But in any city that has a so-called sanctuary policy, if you are an illegal alien with a felony record and a deportation order signed by a judge, you will not be questioned about your immigration status and you will not be arrested.

WHEREAS: Approximately 375,000 absconder aliens who are here illegally and who have been issued a final order for removal; that is, deportation by a Federal judge. Those names are on the ICE immigration violators file, and that information is now available to law enforcement through the NCIC. We are most concerned with the 80,000 illegal aliens on the list of absconders who have been ordered deported because they have already committed crimes against our citizens.

WHEREAS: Now, the shocking truth is that there are tens of thousands of criminal felons serving jail or prison time in these sanctuary cities who will not be turned over to ICE because the political leaders of those cities have a policy that law enforcement cannot cooperate with the INS and cannot share information with immigration authorities. Criminals will be released instead of being picked up by ICE and deported. This will happen not because ICE does not have the resources to detain them; that happens too often in too many places, but that is another issue. It will happen because the politicians in those cities have determined that this is a politically correct thing to do.

WHEREAS: Here are the estimated numbers of illegal aliens in some of the State correctional facilities of a few States with these sanctuary cities. California prison population, 160,000; estimated illegal, 18,697. Colorado, illegal aliens out of a population of 18,000 in prison: 748. It goes on like that. The percentage of prisoners who are illegal aliens with detainees’ in these 6 States ranges from 4 percent in the States of Washington to 11.6 percent in California. The weighted average is about 9 percent. If the percentage is adjusted for the documented INS undercount of deportable aliens, the percentage is 50 percent higher. Thus, the average

percentage of illegal aliens in our State prison population in these States is about 14.5 percent. That means that for the country as a whole, it is safe to say that at least 10 percent of the Nation's State prison population consists of deportable criminal aliens.

WHEREAS: Twelve Americans are murdered every day by illegal aliens, according to statistics released by [Rep. Steve King, R-Iowa](#). If those numbers are correct, it translates to 4,380 Americans murdered annually by illegal aliens. That's 21,900 since Sept. 11, 2001. Total U.S. troop deaths in Iraq as of last week were reported at 2,863. Total U.S. troop deaths in Afghanistan, Pakistan and Uzbekistan during the five years of the Afghan campaign are currently at 289, according to the Department of Defense.

WHEREAS: The carnage wrought by illegal alien murderers represents only a fraction of the pool of blood spilled by American citizens as a result of an open border and un-enforced immigration laws.

WHEREAS: The King reports 12 Americans are murdered daily by illegal aliens, he says 13 are killed by drunk illegal alien drivers – for another annual death toll of 4,745. That's 23,725 since Sept. 11, 2001.

WHEREAS: No one – in or out of government – tracks all U.S. accidents caused by illegal aliens, the statistical and anecdotal evidence suggests many of last year's 42,636 road deaths involved illegal aliens.

WHEREAS: In April 2005, the Government Accountability Office released a [report](#) on a study of 55,322 illegal aliens incarcerated in federal, state, and local facilities during 2003. It found the following:

- *The 55,322 illegal aliens studied represented a total of 459,614 arrests – some eight arrests per illegal alien;*
- *Their arrests represented a total of about 700,000 criminal offenses – some 13 offenses per illegal alien;*
- *36 percent had been arrested at least five times before.*

WHEREAS: On Dec. 22, 2006, violence erupted on the streets in Long Beach City, when Officer Abe Yap and Officer Roy Wade were seriously wounded when an illegal alien Oscar Manuel Gallegos, who had an extensive criminal record, and had been deported several times shot them multiple times.

WHEREAS: The violence that erupted brought injury unto the citizens of Long Beach City while a mass of people was downtown making last minute purchases for Christmas in the vicinity.

WHEREAS: This violence ended on the streets of the City of Santa Ana, in the County of Orange, a municipality of the State of California, on December 28, 2006, bringing injury unto the citizens of that County.

WHEREAS: The violence and injuries are the direct result of Bob Foster, the Mayor of Long Beach City, the Long Beach City Council, Robert E. Shannon Long Beach City Attorney, Thomas M. Reeves, Long Beach City Prosecutor, Gerald R. “Jerry” Miller, City Manager, City of Long Beach, and Chief Anthony W. Batts, Long Beach Police Department failure to honor the obligation of their Oath of Office.

WHEREAS: Bob Foster, the Mayor of Long Beach City, the Long Beach City Council, Robert E. Shannon Long Beach City Attorney, Thomas M. Reeves, Long Beach City Prosecutor, Gerald R. “Jerry” Miller, City Manager, City of Long Beach, and Chief Anthony W. Batts, Long Beach Police Department. Have adopted a sanctuary policy that embraces illegal aliens in violation of Federal and State Statutes.

WHEREAS: We the Members of the MMP demand that all illegal aliens in this city be held accountable to their violation of our laws, and that all social benefits they are benefiting from at the expense of the taxpayers of the State of California, and the City of Long Beach of which they are not entitled to be removed from them (i.e., Public Assistance, Section Eight Programs [housing] etc.).

WHEREAS: Legal immigrants are required to have medical screening to ensure that they do not bring any contagious diseases into the United States. Illegal aliens are not screened and many are carrying horrific third world diseases that do not belong in the USA. Many of these diseases are highly contagious and will infect citizens that come in contact with an infected illegal alien. This has already happened in restaurants, schools, and police forces.

WHEREAS: The following diseases have increased exponentially which are directly related to third world countries: Malaria; Dengue; Leprosy [leprosy in America is a new cause for concern]; Hepatitis A-E; Tuberculosis [a Multi-Drug-Resistant (MDR) strain of TB has emerged]; Chagas Disease; HIV; Schistosomiasis; Guinea Worm Infection.

WHEREAS: How many more citizens will come down with Hepatitis A-E, Leprosy, E-coli, or Chagas Disease from contact with an infected illegal alien in a “victimless crime” before something is done? How many school children must get TB before our government takes action to protect them? If we screen legal aliens for contagious diseases, why are we allowing unscreened and contagious illegal aliens to roam the country infecting the citizenry?

WHEREAS: That as a result of the illegal actions of the City of Long Beach the People of California as represented in the City of Long Beach and the City of Santa Ana have been injured by the various violations committed by the Mayor of Long Beach and the Long Beach City Council, Robert E. Shannon Long Beach City Attorney, Thomas M. Reeves, Long Beach City Prosecutor, Gerald R. “Jerry” Miller, City Manager, City of Long Beach, and Chief Anthony W. Batts, Long Beach Police Department.

WHEREAS: In the 19th century this idea that a State or locality, to interpose itself between the citizens and Federal Government was known as the nullification doctrine. It died in 1865. But it has been reborn not to protect the rights of slave owners, but to protect the privileges of criminal aliens. Upon the last review, the immigration policy was the province of the Federal Government, not the city of Long Beach or the city Los Angeles or the city of Chicago or the

city of Portland, Maine, and it is the responsibility of the United States Congress to remind those cities of this fact. But if these cities want to have their own immigration policy and provide sanctuary for criminal aliens, then they should not look to the American taxpayer to subsidize their efforts.

WHEREAS: Many, primarily Mexicans, who are protesting restrictive policies for illegal immigrants, say they are emulating Blacks and have labeled recent protest the new civil rights movement, demanding “civil rights.”

WHEREAS: The two movements are not comparable. The definition of the term *civil rights* distinguishes the two social actions. *Civil Rights* are defined as rights to which citizens are entitled. The Black Civil rights Movement and the demands of illegal immigrants to gain rights of citizens then are different by definition, Illegal aliens are not citizens, therefore they have no standing to demand civil rights. The Black Civil Rights Movement was a quest by legal citizens for rights they had been denied by law through the periods of slavery and Jim Crow segregation.

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of Jim Gilchrist, Founder/CEO and the Board of Directors of the MMP that by adoption of this Resolution, the MMP hereby **(1.)** denounces the actions of the City of Long Beach as Represented by the Mayor Bob Foster, the Long Beach City Council and each of them in their respective positions; Robert E. Shannon Long Beach City Attorney, Thomas M. Reeves, Long Beach City Prosecutor, Gerald R. “Jerry” Miller, City Manager, City of Long Beach, and Chief Anthony W. Batts, Long Beach Police Department in allowing violence on the streets of Long Beach in violation of your oath of Office whereby subjecting the people to injury; **(2.)** that we have suffered Civil Rights violation and Federal Civil Rights Violations when the Mayor of Long Beach, the Long Beach City Council, Robert E. Shannon Long Beach City Attorney, Thomas M. Reeves, Long Beach City Prosecutor, Gerald R. “Jerry” Miller, City Manager, City of Long Beach, and Chief Anthony W. Batts, Long Beach Police Department violated their Oath of Office and failed to enforced California State Laws they swore to enforce; **(3.)** We seek the City of Long Beach as Represented by the Mayor Bob Foster, the Long Beach City Council and each of them in their respective positions; Robert E. Shannon Long Beach City Attorney, Thomas M. Reeves, Long Beach City Prosecutor, Gerald R. “Jerry” Miller, City Manager, City of Long Beach, and Chief Anthony W. Batts, Long Beach Police Department to honor their Oath of Office by performing the obligation of which you swore to do by enforcing all Federal and State Statutes **(4.)** Finally we seek a remedy for these egregious violations which will start first with a public formal apology for the aforementioned violations, and the remaining remedies are to be negotiated.

This Resolution by the Unanimous Consent of those present the Secondth day of January in the year of our Lord two thousand and seven and of the Independence of the United States of America the Two Hundredth Thirty One.

In Witness whereof we have hereunto subscribed our Names,

Jim Gilchrist, Founder/CEO

Stephen Eichler, Executive Director

Sandy Gilchrist, Treasurer

Tim Bueler, National Media Director

Deborah Courtney, National Projects and Political Director

Barbara Coe, Director of Grassroots Operations

Marvin L. Stewart, Director of Community Relations