

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS.

The Attorney General has prepared a title and summary of the chief purposes and points of the proposed measure, as follows:

SUBVERSIVE ACTIVITIES. INITIATIVE CONSTITUTIONAL AMENDMENT. Declares existence, purposes, and objectives of world communist movement. Defines communist and subversive organizations and denies them political party status and property tax exemption. Prohibits members of such organizations or advocates of subversive doctrines from holding public office or employment with State or any public agency, or from receiving property tax exemption. Requires teachers and other employees of public educational institutions to answer congressional and legislative committee inquiries concerning communist affiliation and subversion. Imposes conditions on use of public buildings and property.

STATE OF CALIFORNIA,

COUNTY (or City and County) of

To the Honorable Secretary of State of California:

} ss.

COMBAT COMMUNISM
1950-1951

We, the undersigned, registered, qualified electors of the State of California, residents of County (or City and County), present to the Secretary of State this petition and hereby propose an amendment to the Constitution of the State of California, adding a new Article XXVIII, hereinafter set forth in full, and by repealing Section 19 of Article XX, and petition the Secretary of State to submit the same to the electors of California for their adoption or rejection at the next succeeding general election or at any special election called by the Governor of California prior to such general election or otherwise provided by law. The proposed constitutional amendment reads as follows:

The People of the State of California do enact as follows:

FIRST - Article XXVIII is added to the Constitution of the State of California, to read:

ARTICLE XXVIII - Control of Subversive Activities

SECTION 1.

Upon evidence and proof which has been presented before the Legislature, other state legislatures, the Congress of the United States, and in the courts of the United States and in the courts of the several states; and although recognizing that the Federal Constitution vests the conduct of foreign relations in the Federal Government and the Federal Constitution guarantees to the several states a republican form of government and protection against foreign invasion and domestic violence, this State has the duty of self-preservation and the taking of necessary measures to co-operate with the Federal Government in the preservation of the peace and safety of the State of California; it is hereby found as follows:

(a) There exists a world communist movement which, in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a communist totalitarian dictatorship in the countries throughout the world through the medium of a world-wide communist organization.

(b) The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power, the subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

(c) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by substantial identity between such party and its policies and the government and governmental policies of the country in which it exists.

(d) The direction and control of the world communist movement is vested in and exercised by the communist dictatorship of a foreign country.

(e) The communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world communist movement, establishes or causes the establishment of, and utilizes, in various countries, action organizations which are not free and independent organizations, but are sections of a world-wide communist organization and are controlled, directed, and subject to the discipline of the communist dictatorship of such foreign country.

(f) The communist action organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world communist movement by bringing about the overthrow of existing governments by any available means, including force if necessary, and setting up communist totalitarian dictatorships which will be subservient to the most powerful existing communist totalitarian dictatorship. Although such organizations usually designate themselves as political parties or other worthy organizations, they are in fact constituent elements of the world-wide communist movement and promote the objectives of such movement by conspiratorial and coercive tactics, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

(g) In carrying on the activities referred to in paragraph (f) of this section, such communist organizations in various countries are organized on a secret, conspiratorial basis and operate to a substantial extent through organizations, commonly known as "communist fronts," which in most instances are created and maintained, or used, in such manner as to conceal the facts as to their true character and purposes and their membership. One result of this method of operation is that such affiliated organizations are able to obtain financial and other support from persons who would not extend such support if they knew the true purposes of, and the actual nature of the control and influence exerted upon, such "communist fronts."

(h) In the United States and in this State those individuals who knowingly and willfully participate in the world communist movement, when they so participate, in effect repudiate their allegiance to the United States and this State, and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world communist movement.

(i) In pursuance of communism's stated objectives, the most powerful existing communist dictatorship has, by the methods referred to above, already caused the establishment in numerous foreign countries of communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

(j) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law.

(k) The communist movement in the several states and in this State is an organization numbering many thousands of adherents, rigidly and ruthlessly disciplined. Awaiting and seeking to advance at a moment when the several states may be so far extended by foreign engagements, so far divided in counsel, or so far in industrial or financial straits, that overthrow of the Government of the United States, of the several states, and of this State, by force or violence may seem possible of achievement, it seeks converts far and wide by an extensive system of schooling and indoctrination. Such preparations by communist organizations in other countries have aided in supplanting existing governments. The communist organization in the United States, in the several states, and in this State, pursuing its stated objectives, the recent successes of communist methods in other countries, and the nature and control of the world communist movement itself, present a clear and present danger to the security of the Government of the United States, the governments of the several states, and the Government of the State of California, including its political subdivisions, that makes it necessary that the people of the State of California adopt the provisions of this article recognizing the existence of such world-wide communist conspiracy, and designed to prevent it from accomplishing its purposes in this State and its political subdivisions.

SECTION 2.

For the purposes of this article:

(a) The term "person" means an individual or an organization.

(b) The term "organization" means an organization, corporation, company, partnership, association, trust, foundation, or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together for joint action on any subject or subjects.

(c) The term "communist-action organization" means any organization in the United States or in the State of California (other than a diplomatic representative or mission of a foreign government accredited as such by the Department of State) which (1) is substantially directed, dominated, or controlled by the foreign government or foreign organization controlling the world communist movement referred to in Section 1 of this article, and (2) operates primarily to advance the objectives of such world communist movement as referred to in said section.

(d) The term "communist-front organization" means any organization in the United States or in the State of California (other than a communist-action organization as defined in paragraph (c) of this section) which (1) is substantially directed, dominated, or controlled by a communist-action organization, and (2) is primarily operated for the purpose of giving aid and support to a communist-action organization, a communist foreign government, or the world communist movement referred to in Section 1 of this article.

(e) The term "communist organization" means a communist-action organization or a communist-front organization.

(f) The term "subversive organization" means any organization which (1) directly or indirectly advocates, advises, teaches or practices, the duty, necessity, or propriety of controlling, conducting, seizing, or overthrowing the Government of the United States, or the Government of the State of California, or of any political subdivision thereof by force or violence or other unlawful means, or (2) which is subject to foreign control as defined in subdivision (ii) of this subdivision.

(i) "Subversive organization" does not include any labor union or religious, fraternal, or patriotic organization, society, or association whose objectives and aims do not contemplate the overthrow of the government of the United States, of this State, or of any political subdivision thereof by force or violence.

(ii) An organization for purposes of this section is "subject to foreign control" if its objectives and aims contemplate the overthrow of the government of the United States by force or violence and it comes within either of the following descriptions:

(1) It solicits or accepts financial contributions, loans, or support of any kind directly or indirectly from, or is affiliated directly or indirectly with, a foreign government or a political subdivision thereof, an agent, agency, or instrumentality of a foreign government or political subdivision thereof, a political party in a foreign country, or an international political organization.

(2) Its policies, or any of them, are determined by or at the suggestion of, or in collaboration with, a foreign government or political subdivision thereof, an agent, agency, or instrumentality of a foreign government or a political subdivision thereof, a political party in a foreign country, or an international political organization.

SECTION 3.

(a) If an organization is found to be a communist-action organization or a communist-front organization as defined in Section 2 of this article by an appellate or superior court, or by the grand jury of any county in this State, or by the Attorney General of the State of California, or by any court, officer, board, commission, agency or other body of the Government of the United States making such a finding pursuant to law under a substantially similar definition, such organization shall be deemed to be a communist organization for purposes of this article.

(b) If an organization is found to be a subversive organization as defined in Section 2 of this article by an appellate or superior court, or by the grand jury of any county in this State, or by the Attorney General of the State of California, or by any court, officer, board, commission, agency or other body of the Government of the United States making such a finding pursuant to law under a substantially similar definition, such organization shall be deemed a subversive organization for purposes of this article.

SECTION 4.

No communist organization, subversive organization, or political party which is directly or indirectly associated with a communist organization or with a subversive organization, shall be entitled to be recognized or certified as a political party under the laws of the State of California or shall be entitled to any of the privileges, rights or immunities attendant upon legal political bodies recognized under the laws of the State of California, or any political subdivision thereof; and whatever rights, privileges or immunities shall have heretofore been granted to any such communist organization, subversive organization or political party, by reason of the laws of the State of California, or of any political subdivision thereof, are hereby terminated and shall be void.

SECTION 5.

The name of any communist organization or subversive organization or any member of a communist organization or subversive organization shall not be printed upon any ballot used in any primary or general election in the State of California or in any political subdivision thereof.

SECTION 6.

No person who is a member of a communist organization or of a subversive organization, and no other person who advocates the overthrow of the government of the United States or the State by force or violence or other unlawful means or who advocates the support of a foreign government against the United States in the event of hostilities, shall hold any office or employment under this State, including but not limited to the University of California, or with any county, city or county, city, district, political subdivision, authority, board, bureau, commission or other public agency of this State.

SECTION 7.

It shall be the duty of any employee of any school district, and of any employee of the Trustees of the California State Colleges and of any employee of the Regents of the University of California, and of any holder of, or applicant for the issuance or renewal of, a credential or life diploma or other documentary evidence required as a prerequisite for academic or administrative employment in the public

schools, who may be subpoenaed by a United States Congressional Committee on Un-American Activities or a subcommittee thereof or a California Legislative Committee on Un-American Activities or a subcommittee thereof or any other committee or subcommittee of the United States Congress or the California Legislature or of either house of either thereof to appear before said committee or subcommittee and specifically to answer under oath a question or questions propounded by any member or counsel of the committee or subcommittee relating to:

(a) Present personal advocacy by the employee of the forceful or violent overthrow of the Government of the United States or of any state or political subdivision.

(b) Present knowing membership in any organization which, to the knowledge of such employee, advocates the forceful or violent overthrow of the Government of the United States or of any state or political subdivision.

(c) Past knowing membership at any time since October 3, 1945, in any organization which, to the knowledge of such employee, during the time of the employee's membership advocated the forceful or violent overthrow of the Government of the United States or of any state or political subdivision.

(d) Past knowing membership of such employee in the Communist Party at any time since October 3, 1945.

(e) Present knowing membership of such employee in the Communist Party, or in a communist-action, communist front, or subversive organization.

(f) Present personal advocacy by the employee of the support of a foreign government against the United States in the event of hostilities.

Any employee who fails or refuses to answer under oath on any ground whatsoever any such question propounded by any member or counsel of any such committee or subcommittee shall be guilty of insubordination and guilty of violating this section and shall, in the case of an employee of a school district or employee of the Trustees of the California State Colleges or employee of the Regents of the University of California, be suspended and dismissed from his employment in the manner provided by law, and in the case of a holder of, or applicant for the issuance or renewal of, a credential or life diploma or other documentary evidence required as a prerequisite for academic, administrative or other employment in the public schools, shall have his credential or life diploma or other document revoked or suspended or the issuance or renewal thereof denied in the manner provided by law.

SECTION 8.

(a) Any person or organization which, while using public buildings or grounds, including school property, owned or controlled by the State, a city, county, district, or other public agency, commits any act intended to further any program or movement the purpose of which is to accomplish the overthrow of the government by force, violence or other unlawful means, is guilty of a felony.

(b) No officer or employee of the State, a county, city, district, or other public agency otherwise authorized by law to grant the use of public property, including school property, for meetings, conferences or discussions to any individual, society, group, or organization, shall grant the use of any public property, including school property to any individual, society, group, or organization which neglects or refuses to file the statement of information set forth in this section as follows:

STATEMENT OF INFORMATION

The undersigned states that, to the best of his knowledge, the public property for use of which application is hereby made will not be used for the commission of any act which is prohibited by law, or for the commission of any crime including, but not limited to, the crime specified in Sections 11400 and 11401 of the Penal Code. This statement is made under the penalties of perjury.

(Signature)

Any person applying for the use of public property on behalf of any society, group or organization shall be a member of such applicant group and, unless he is an officer of such group, must present written authorization from such applicant group to make such application.

The public officer or employee may, in his discretion, consider any statement of information or written authorization made pursuant to the requirements of this section as being continuing in effect for the purposes of this section for the period of one year from the date of such statement of information or written authorization.

(c) Written statements of information as required by this section need not be under oath, but shall contain a written declaration that they are made under the penalties of perjury, and any person so signing such statements who willfully states therein as true any material matter which he knows to be false, is subject to the penalties prescribed for perjury in the Penal Code of this State.

SECTION 9.

No person who is a member of a communist organization or of a subversive organization, and no other person who advocates the overthrow of the government of the United States or the State by force or violence or other unlawful means or who advocates the support of a foreign government against the United States in the event of hostilities, shall receive any exemption from any tax imposed by this State or any county, city or county, city, district, political subdivision, authority, board, bureau, commission or other public agency of this State.

SECTION 10.

(a) Any statement, return, or other document in which is claimed any exemption, other than the householder's exemption, from any property tax imposed by this State or any county, city or county, city, district, political subdivision, authority, board, bureau, commission or other public agency of this State shall contain a declaration that the person or organization making the statement, return or other document is not knowingly a member of a communist organization or of a subversive organization and does not advocate the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means nor advocate the support of a foreign government against the United States in event of hostilities. If the assessor determines, upon evidence received from a law enforcement or other governmental agency, and after an opportunity for hearing in accordance with provisions of law governing administrative procedure has been afforded, that the person or organization making such statement, return or other document does so advocate, or is knowingly a member of a communist organization or of a subversive organization, the assessor shall deny such person or organization the exemption from the tax to which the statement, return, or other document pertains.

(b) Before he denies any exemption under subdivision (a), the assessor shall deliver or mail to the claimant a written notice of his intention to do so and afford the claimant an opportunity to file a written request, within a period of 15 days from and after the date of the delivery or mailing of the notice, for a hearing in the matter. Following the receipt of such a request, the assessor shall hold a hearing, in accordance with provisions of law governing administrative procedure, on the denial of the exemption after giving the claimant a written notice of the hearing, by delivery or mail, at least 10 days prior to the hearing.

In any such proceeding the assessor has the burden of proving that the exemption claimant is not entitled to the exemption, but he may consider and act upon any relevant evidence received from a law enforcement or other governmental agency, in affidavit form.

(c) Any claimant who is denied an exemption following a hearing may obtain a judicial review of the determination by filing a petition for a writ of mandate in accordance with law. In such proceedings the court may exercise an independent judgment on the evidence.

(d) The making of any knowingly false declaration in a statement, return, or other document filed pursuant to subdivision (a) constitutes a felony.

SECTION 11.

The provisions of this article shall be self-executing but legislation not in conflict herewith may be enacted to facilitate its operation.

SECTION 12.

If any portion, section or clause of this article, or the application thereof to any person or circumstance, shall for any reason be declared unconstitutional or held invalid, the remainder of this article, or the application of such portion, section or clause to other persons or circumstances, shall not be affected thereby.

SECTION 13.

The provisions of this article shall supersede all provisions of this Constitution and laws enacted thereunder in conflict therewith.

SECTION 14..

This article shall be known as the Louis Francis Amendment.

SECOND --Section 19 of Article XX of the Constitution is repealed.