

Job Bias Ban

FEP Law Signed by Brown

By Earl C. Behrens,
Political Editor

SACRAMENTO. April 16.—California's first fair employment practice law was signed today.

their demonstration of faith in the principles on which this country was founded." more than 6 months in the County Jail or a fine not to exceed \$300 or both.

George H. White,

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Narcotics C
Asks Sinner
Of Penalties

New Blast
On Teacher
Loyalties

SACRAMENTO. June 16.—

Assembly Votes
90c Farm Pay

By Earl C. Behrens,
Political Editor

SACRAMENTO. —The Assembly

Differences in

FEP Law Expected Today

By Earl C. Behrens

Assembly Disputes
Loyalty Oath Bill

By Earl C. Behrens
Political Editor

SACRAMENTO, Feb. 25.—

Conrad's
Bills To End
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By Herbert L. Phillips
Assemblyman

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FOREWORD

This report is written for 4,500 Californians who, by their financial support and participation make possible the work of the Friends Committee on Legislation. It adds another chapter to the on-going program undertaken in 1952 with the conviction that we have a responsibility to help shape laws, especially in the areas of peace and human dignity.

Those readers who witnessed FCL's beginning in 1952 will recall that our role was mainly a defensive one; reporting to members, lobbying and speaking before legislative committees. This year we initiated a greater number of bills which involved more work and preparation. We also supported or opposed more legislation — at one time following 170 measures. Coleman Blease was again the full-time Sacramento representative, mainly responsible for lobbying and testimony with occasional help from Trevor Thomas and volunteers.

Just prior to the '59 session, Ralph Schloming succeeded Catherine Cory who left the Committee after many productive years as Executive Secretary in Pasadena. Trevor Thomas is Executive Secretary for Northern California. Lucy Hancock and Delmore Huserik direct promotion and fund raising activities in the north and south respectively. Madge Seaver in Northern California and Ernest Von Seggern in Southern California chair the two executive committees.

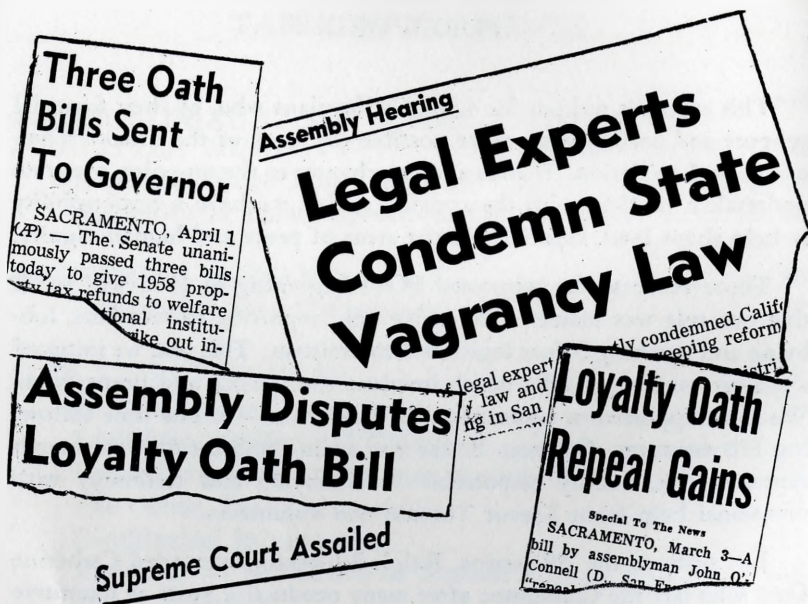
An equally important part of FCL's work is concerned with stimulating local interest and action on national issues, in cooperation with the Friends Committee on National Legislation in the nation's capitol.

To the letter-writers, the office secretaries and volunteers, the working committee members, the fund-raisers and forum-planners and those who came to Sacramento, we add a special word of appreciation.

Finally, to the Assemblymen and Senators who supported our legislation and to those who, though opposed, were willing to hear our case, we are grateful.

This is the story of the most significant state legislation in FCL's 1959 California program.

AUGUST, 1959



CIVIL LIBERTIES IN '59

The struggle for civil liberties in 1959 shifted from the defense to the offense. Bills to repeal oaths of non-disloyalty cleared committee and were debated, while restrictive loyalty-security measures never saw the light of day. Progress was made in securing protections against police excesses although effort was necessary to defeat measures placing undue power in the hands of police.

Several factors contributed to FCL's increased success in 1959. The 1958 elections brought thirteen new members to the Assembly and ten to the Senate. Their votes were often crucial. Of four key civil liberties votes in the Assembly, new members contributed eleven favorable votes on three issues — eight on the fourth issue. In the Senate, on three key issues, the new members contributed good votes of three, eight and nine. John O'Connell (chairman of the Interim Committee on Constitutional Rights) became chairman of a new Committee on Criminal Procedure which blocked many restrictive civil liberties bills.

Lastly, supporters of civil liberties were better organized. District work during the interim helped provide a favorable civil liberties "climate." The Southern California ACLU and the two FCL offices set up systems for quick action by their members.

Unfortunately, the Governor vetoed the bulk of the positive civil

liberties (as distinguished from civil rights) bills receiving legislative approval. Measures affecting archaic vagrancy laws, use of warrants of arrests, and procedures on arrest, were turned down. The vagrancy bill, opposed by law enforcement agencies, was probably the most important police practices revision in decades.

The Assembly Criminal Procedure Committee has been established as an interim committee with a specific mandate to investigate constitutional rights.

TEST OATHS FOR TAXPAYERS

AB 215 (O'Connell, D., S.F.) deletes *language* requiring non-disloyalty oath for franchise or property tax exemption. *Legislative History*: Defeated on Assembly floor, 41-39.

AB 2052 (Francis, R., San Mateo) requires oath of non-disloyalty with application for tax exemption; conditions denial of exemption upon a hearing by tax assessor; places burden of proof on assessor. *Legislative History*: Tabled by Assembly Revenue and Taxation Committee. Similar bill, SB 859 (Dilworth, R., Hemet) not brought up by author.

History: In 1952, California voters amended the State Constitution to prohibit a tax exemption to "subversive" organizations and individuals. To implement this provision, Assemblyman Harold Levering introduced a bill requiring a special non-disloyalty oath of all taxpayers claiming the exemption. With only the FCL and a handful of churchmen opposing the measure, it passed overwhelmingly.

In 1955, a bill to exempt churches from the oath failed in the Assembly. In 1957, FCL sponsored a bill to repeal the oath entirely. It was amended to substitute a positive oath and in this form passed the Assembly 46-21, but died in the Senate.

In 1958, the U.S. Supreme Court, in the *Speiser* case, held the tax oath unconstitutional, thus voiding the requirement.

Assembly Action: AB 215, which had no legal effect under the *Speiser* decision, was introduced as a symbol of continued opposition to loyalty oaths and as a test of legislative sentiment. However, the issue was raised before AB 215 reached the Assembly floor via a series of bills to permit late applications for tax exemption. The Legislative Counsel, following the *Speiser* case, deleted all reference to the oath when drafting the bills.

The first of these measures, AB 29 — relating to the church exemption, passed the Assembly 74-0 without notice. But when the bill reached the Senate Revenue and Taxation Committee, the Chairman, Nelson Dilworth, tried to include a provision to bypass the *Speiser* decision and retain the loyalty oath. This was opposed by FCL's Cole Blease and the Reverend Galen Lee Rose, Legislative Chairman of the

Northern California Council of Churches. Three committee members were missing, and the amendments failed on a 4-4 tie vote.

For the amendments: Dilworth, Burns, Grunsky, O'Sullivan.
Against the amendments: Miller, Arnold, Holmdahl, Cobey.
Absent: Collier, Gibson, McBride.

Dilworth followed with a motion to restore the loyalty oath. This was defeated 5-3, with O'Sullivan joining those who opposed the previous Dilworth amendments. The committee vote proved to be the deciding factor. No objection to the original bill was raised on the Senate floor — it passed 33-1 with only Dilworth dissenting. Another bill, SB 859, embodying Dilworth's proposed amendments was not brought up by the author.

Meanwhile, the subsequent late filing bills, sans oath, reached the Assembly floor where they passed after two days of bitter debate. The defeat of amendments restoring the oath language by a 46-34 margin encouraged supporters. This optimism later proved unjustified.

Following this debate, the Republican caucus went on record as opposed to all changes in the oaths of non-disloyalty. This action diverted all existing Republican support.

O'Connell presented AB 215 to the Assembly: "The issue here," O'Connell said, "is whether the Legislature should remove unconstitutional and void language from its statute books."

During two hours of debate the arguments ranged from those supporting the Supreme Court to an implied threat of defeat at the polls by Assemblyman Harold Levering (author of the original oath measures). "Remember that at least two members of this house ten years ago went down to ignominious defeat because they voted against the loyalty oath."

During the debate, Assemblyman Louis Francis offered amendments to circumvent the Supreme Court Decision while retaining the oath. The amendments established a procedure for local tax assessors to hold hearings on the "subversiveness" of persons seeking tax exemption — such hearings to be initiated by affidavit. Assemblyman S. C. Masterson opposed the amendments on the ground that they would permit "every crackpot in California to file an affidavit with the assessor against a neighbor he didn't like."

The amendments were defeated 42-36 after a tabling motion lost, 40-40. This heralded the later tabling of AB 2052, embodying the Francis amendments, in the Assembly Revenue and Taxation Committee. Then Assemblyman Bruce Allen tried to re-refer the bill to committee. The motion lost 39-40! Finally, after much parliamentary maneuvering, the bill lost by a narrow margin, 39-41. Thirty-nine Democrats voted "yes." It was opposed by all thirty-three Republicans and eight Democrats.

AB 215 contained one last breath of life. Assemblyman S. C. Master-

son got Assembly support for reconsideration in order to offer amendments. Supporters worked hard over the intervening weekend to pick up two additional votes. However, the Masterson amendments proved unacceptable to the author and the measure was placed on the inactive file where it died.

1,000,000 LOYALTY OATH-TAKERS

ACA 8 (O'Connell) substitutes traditional oath to support constitution for oath of non-disloyalty now required of all public employees. *Legislative History:* Not brought up.

AB 1766 (O'Connell) identical to ACA 8, but does not apply to elective or appointive officers whose term of service is fixed by the Constitution. *Legislative History:* Defeated on Assembly floor, 47-30, on motion to re-refer to committee.

From 1849 to 1952, the State Constitution (Art. XX, Sec. 3) required of all public officers a simple and positive oath to "support the Constitution." In September of 1950, shortly after the outbreak of the Korean War, the California Legislature met in a five-day extraordinary session and enacted (without public hearing) the Levering Act. The Act, under the guise of making *all* public employees civil defense workers, required a new oath of non-disloyalty. The 1951 Legislature submitted the same oath to the people in the form of a constitutional amendment. The measure passed (2,951,955 to 1,290,851) thus embedding the Levering Act in the Constitution.

In 1957, FCL sponsored a Constitutional Amendment to restore the traditional oath. This amendment failed to clear committee and was referred to the Interim Committee on Constitutional Rights for study. The committee held hearings in Los Angeles in 1957, where leading churchmen, historians and others testified. A report on loyalty oaths (available from FCL offices) was published in the Spring of 1959.

20 TIMES AS LOYAL?

"I must say that technically it is extremely difficult to have to sign loyalty oaths and . . . for every speech, literally, to have to re-sign the oath because as a matter of bookkeeping it becomes extremely irksome . . . It makes it a little difficult to accept some of these teaching engagements . . . If you make 20 speeches a year to teachers' groups . . . you sign something 20 times." Dr. Joseph Kaplan, Professor of Physics, UCLA, and Chairman of the United States National Committee for the International Geophysical Year; testimony to Assembly interim Committee on Constitutional Rights, December, 1957.

In 1959, FCL sponsored two measures aimed at the public employees

oath; a Constitutional Amendment (ACA 8), and a bill (AB 1766). The bill took advantage of the constitutional provision (Art. XX, Sec. 3) which permits the Legislature to exempt (from the oath) "inferior officers and employees . . . by law [including statutes]." Thus, by means of a statute rather than a constitutional amendment, AB 1766 substituted the traditional oath for all but a limited class of public employees. The bill offered two distinct advantages over the Constitutional Amendment. First, ACA 8 was sent to a hostile Constitutional Amendments Committee. Second, AB 1766 required only a majority vote for passage vs. two-thirds for ACA 8. Therefore, the bill became the focal point of support for change of the public employees oath.

Assembly Action: The bill was heard before the Assembly Committee on Governmental Efficiency and Economy in a charged atmosphere during which one committee member referred to supporters of the measure in the audience (who clapped) as "rabble." However, it was sent to the Assembly floor by a vote of 7-5.

For: Masterson, George Brown, Biddick, Elliott, Hanna, McMillan, O'Connell.

Against: Bradley, Cusanovich, Levering, Luckel, Reagan.

Absent: Busterud.

On the Assembly floor, AB 1766 had been preceded by extended debates on AB 215 and measures relating to late filing for tax exemptions. The final debate, similar to that on the tax oath, ended in defeat for the bill on a motion to send it back to committee. The motion carried, 47-30, after a motion to table the bill failed 36-35.

TWO VIEWS OF LOYALTY OATHS

"My experiences have convinced me there is a Communist conspiracy in this country, and in the State of California. The people most opposed to loyalty oaths are the Communists themselves because they limit their freedom to maneuver." Bruce Allen, (R., San Jose), quoted in San Francisco Examiner, March 13, 1959.

"These totally unnecessary oaths were sold to the public and the Legislature during the period when the late Senator Joseph McCarthy was riding high on a phony Communist scare gimmick." John O'Connell (D., S.F.), quoted in Sacramento Bee, March 12, 1959.

Other Loyalty Bills

AB 2716 (Bruce Allen, R., San Jose) Permits attorneys to be disbarred for printing, editing, selling or displaying of material advocating

violent overthrow of the government with intent to cause such overthrow. *Legislative History*: Referred to interim study.

AB 2809 (Chapel, R., Palos Verdes) Prohibits a labor representative from advocating a course of action which would interfere with activities of the National Guard when on activated status. *Legislative Action*: Sent to interim study.

AB 244 (Rumford, D., Berkeley) As introduced, licensed social workers. Made advocacy of violent overthrow of government grounds for suspension of license. Advocacy clause removed by Assembly Social Welfare Committee and restored by amendment on Assembly floor, 54-6. Bill proper killed on Senate floor, 19-18.

AB 1817 (Pattee, R., Salinas) Requires daily pledge of allegiance to U.S. flag in public schools. *Legislative History*: Not brought up by author.

POLICE POWERS AND INDIVIDUAL RIGHTS

"There is no more accurate index of a nation's regard for civil liberty than is to be found in the laws and procedures by which it deals with persons accused of crime." ROBERT E. CUSHMAN, Civil Liberties in the United States, p. 135.

In 1955 the State Supreme Court focused attention upon police practices by ruling that evidences obtained in violation of the U.S. Constitution must be excluded from court. (*People vs. Caban*) The case forced law enforcement agencies to re-examine their methods; produced a long series of cases interpreting the laws of arrest, and search and seizure; and fostered attempts to modify the *Caban* rule via the legislature.

In 1957, lobbyists for the California Peace Officers Association and the District Attorney's Association sought to broaden the powers of arrest and search. FCL opposed these attempts and helped delete the worst features of an omnibus arrest bill and defeat several questionable search warrant measures.

In 1959, the peace officers, taking advantage of public hysteria over the sale and use of narcotics, sought to overturn the *Caban* rule as applied to narcotics cases. The FCL opposed this attempt while supporting a series of measures extending more rights to the individual. Most of these measures were an outgrowth of hearings conducted by the Interim Committee on Constitutional Rights. FCL's efforts here were in part frustrated by the Governor's veto of several important bills.

THE CAHAN RULE AND NARCOTICS

SB 728 (Grunsky, R., Watsonville) permits narcotics evidence to be used, no matter how obtained, e.g. in violation of Constitution.

Amended in Senate to limit application to two years. *Legislative History*: Passed Senate in amended form 21-18, after failing first time 19-17. Failed to pass Assembly Criminal Procedure Committee, 5-5. Motion to withdraw from committee defeated, 36-41. Similar bills (AB 39, ACA 31, SB 1138) either were defeated or not brought up.

SB 728 was the key to the legislative attack by law enforcement officers on the *Caban* rule. The bill over-ruled the *Caban* decision as applied in narcotics cases.

In the Senate Judiciary Committee, Senator Grunsky, author of SB 728, called for its passage as the start of a war on the narcotics trade. He justified the use of illegal evidence by the seriousness of narcotics offenses. He was supported by numerous district attorneys and peace officers who pointed out the difficulty of apprehending narcotics offenders where, unlike crimes against property or person, there is no victim to report the crime.

The bill was opposed by Hugh Manes of the Southern California American Civil Liberties Union and FCL's Cole Blease. They stressed:

1. The heart of the narcotics problem is the failure to treat offenders who are apprehended — not the failure to apprehend. A Department of Corrections study revealed that narcotics offenders had often had many contacts with the law — that in over half of the prison cases involving heroin addiction there had been a failure to detect the fact.
2. The real issue is California police practice. SB 728, by eliminating the only effective sanction for violation of the constitutional prohibition against unreasonable searches and seizures, gives legislative approval to violations of the Constitution.
3. The *Caban* rule, by depriving prosecuting attorneys of the fruit of illegal arrests and searches, encourages reform of police practices. Civil remedies, e.g. suits for false arrest, are ineffective as a control of police excesses since they are rarely used and rarely successful.

Support for the measure came from committee chairman, Edwin Regan (D., Weaverville). However, opposition from Senators Richards, Fisher, Farr and others forced the bill's supporters to limit the bill to two years application. In this form it passed the committee, 9-4.

For the amended bill: Grunsky, Regan, Holmdahl, Beard*, Christensen, Dolwig, McAteer, Rattigan*, and Shaw.

Opposed: Cobey*, Farr*, Richards*, Fisher*.

Absent: Arnold*.

Opposition to SB 728 on the Senate floor was led by Senators Fisher, Farr, Richards, Miller, Cobey and others. They emphasized that both the innocent and the guilty have a constitutional right to be secure

* Voted against the identical bill on the Senate floor.

in their homes and persons — that SB 728 gives legislative sanction to unconstitutional police procedures. After an initial failure of 19-17, Senator Grunsky succeeded in getting the necessary 21 votes (final vote, 21-18).

The bill then went to the Assembly Criminal Procedure Committee. This committee, which had divided 5-5 on most key police measures during the session, again split in two votes on SB 728. The vote:

For SB 728: Bruce Allen, Bane, Kilpatrick, Crawford and Francis.

Against: O'Connell, Petris, Waldie, Burton, and Crown.

At this point, Assembly action on other alleged narcotic control bills indicated that any measure with a narcotics label would probably pass. Cole Blease, sensing a withdrawal motion, put out an emergency call for opposition. Letters came in from FCL and American Civil Liberties Union members and others. The Attorney General, although having no public stand on the bill, told a Democratic caucus he was personally opposed to SB 728. Speaker of the Assembly, Ralph Brown, opposed withdrawal on the basis of support of the committee system. When the withdrawal motion was made, it failed by a narrow margin, 36-41.

CONFIDENTIAL INFORMANTS

SB 524 (Grunsky, R., Watsonville) permits police to rely solely on testimony of confidential informant in arrest for narcotics offense. Over-rules *Priestly* case which required police to identify informer or substantiate informer's tip by other evidence. *Legislative History*: Passed Senate 26-11 with amendments after failing first time, 19-17. Defeated in Assembly Criminal Procedure Committee on voice vote. Similar bills (ABs 1197 and 2731) were not brought up.

SB 524 was another key bill in the law enforcement officers program. As introduced, it permitted police to rely *solely* on the testimony of a confidential informant as grounds for making an arrest. Later, amendments restricted its operation to narcotics cases. At the Senate Judiciary Committee hearing, it was claimed that catching narcotics offenders depends upon informers, and that revealing their identity would place them in fear of physical harm or reduce their usefulness to the police.

Hugh Manes of the Southern California Civil Liberties Union and Gregory Stout, a San Francisco defense attorney — formerly with the District Attorney's Office, countered that under the *Priestly* Case, arresting officers can maintain the secrecy of an informer so long as they *corroborate* his tip by other information. They pointed out that cross examination of an informer is the only effective way of discovering whether he planted narcotics on the defendant. However, the bill passed out of the committee to the Senate floor.

There, stiff opposition again prevented passage of the bill on the

first attempt — 19-17. But on reconsideration and after an amendment was submitted by Grunsky attempting to clarify the "plant" situation, the measure passed, 26-11.

In the Assembly, the bill was referred to the Criminal Procedure Committee where it died on a voice vote.

VAGRANCY—THE CRIME OF STATUS

AB 2712 (O'Connell, D., S.F.) eliminates vagrancy as a crime of *status* and otherwise rewrites sections specifying certain *acts* as crimes. *Legislative History*: Passed Assembly 63-3. Amended in Senate and passed 21-15. Assembly concurred in Senate amendments by vote of 40-36. Possible error in vote count resolved in favor of passage. Vetoes by Governor.

California's vagrancy statute makes it a crime, among other things, to: refuse to work when work is offered and one has no "visible means of living;" "loiter" about "public gatherings" without visible means of support if previously convicted of certain crimes; *be* a "common" prostitute or drunk; or *be* a lewd person. These crimes involve status or condition — not *acts*. AB 2712, as introduced, eliminated these crimes of condition and otherwise clarified a vague law.

This bill was the outgrowth of San Francisco hearings by the Interim Committee on Constitutional Rights in July, 1958. These hearings revealed that 71.4% of all vagrancy arrests in San Francisco were dismissed without prosecution — indicating the law is used as a "rousting" device to keep suspected criminals moving.

Initially, the vagrancy bill passed the Assembly 63-3. However, in the Senate Judiciary Committee objections were raised by law enforcement officers. A representative of the Sacramento Police Department testified that the police needed the law to force "winos" to work in the fields at harvest time. Others claimed the need for provisions to pick up suspected criminals. To meet objections and get the bill out of committee, the author amended it to make loitering "in or about . . . parks" a crime.

Even with the amendment the bill faced a storm of opposition on the Senate floor. Senator Grunsky labeled the new law the "Beatniks Bill of Rights" and the "Bums Magna Carta." Senator Fisher, who handled the bill for Assemblyman O'Connell on the Senate floor, was forced to call in absent members to secure the bare minimum of 21 votes for passage. Final vote, 21-15.

On the last day of the session the amended bill went back to the Assembly for concurrence in Senate amendments. Unexpected opposition developed from Assemblymen Bruce Allen, John Busterud, and others. Again, absent members were called. Votes were switched both ways. When O'Connell asked the Assistant Clerk for the count, the

reply was "forty-one." He asked for the vote to be announced, and the Speaker declared the bill passed.

The next day O'Connell found that the Assembly Clerk had turned up a discrepancy in the vote count; only 40 "yes" votes were recorded! However, the Speaker signed the bill as passed after receiving an opinion from Legislative Counsel that in such a situation his discretion was final.

All this effort was for nought. The Governor vetoed the measure.

POLICE TRAINING

AB 1448 (Crawford, R., San Diego) Establishes a commission on peace officer training with power to adopt minimum standards of physical, mental, and moral fitness. Sets up training fund standards to be accepted by local law enforcement agencies for officers receiving aid from the fund. *Legislative History*: Passed Assembly, 71-2. Passed Senate, 28-5. Signed by Governor.

Higher standards for law enforcement officers benefits both civil liberties and proper law enforcement. Therefore, the police training bill, sponsored by the California Peace Officers Association, was supported by the FCL.

The measure easily passed the Assembly by a vote of 71-2. After clearing the Senate Governmental Efficiency Committee, it was necessary to amend the bill to make appointments to the commission by the Governor rather than the Attorney General in order to pass the Senate Finance Committee. The Senate then passed the bill by a vote of 28-5.

BILLS EXTENDING RIGHTS TO INDIVIDUALS

ELECTRONIC EAVESDROPPING

AB 1407 (O'Connell, D., S.F.) Prohibits eavesdropping on a conversation by means of an electronic device without the consent of at least one party to the conversation. Specifically applies *Caban* rule to evidence obtained in violation of this law. *Legislative History*: Amended on Assembly floor to exempt police officers from coverage by vote of 49-21. Dropped by author.

AB 1669 (Burton, D., S.F.) Prohibits eavesdropping on a conversation within home without consent of person entitled to possession. *Legislative History*: Amended on Assembly floor to exempt police officers by vote of 39-12. Passed Assembly 49-8. Police re-amended into bill in Senate Governmental Efficiency Committee. Sent to interim committee by voice vote on Senate floor.

Similar measures — AB 810 (Burton), not brought up in Assembly Criminal Procedure Committee; AB 2818 (Burton), tabled in Assembly, 58-16; AB 2819 (Burton), tabled in Assembly, 49-25.

RIGHTS FOR ARRESTED

FALSE ARREST INSURANCE: AB 1067 (O'Connell) Requires local governments to provide insurance to cover persons falsely arrested and imprisoned by police. *Legislative History:* Failed in Assembly, 26-47.

RECORDING ARRESTS: AB 276 (Francis, R., San Mateo) Requires record of arrest (booking) be made within three hours with some exceptions. *Legislative History:* Passed Assembly, 47-22. Passed Senate, 29-0. AB 2053 (Francis) Makes it a misdemeanor to violate provisions of AB 276—passed both houses. Both vetoed by Governor.

PHONE CALLS: AB 341 (Francis) Grants arrested person right to make three completed phone calls to attorney, employer or relative. *Legislative History:* Passed Assembly, 57-8. Passed Senate, 27-0. Vetoed by Governor. Similar bills, AB 242 (one call) and AB 244 (two calls) also passed. Governor signed AB 242 and vetoed AB 244. Similar bill, AB 1851 (George Wilson) not brought up.

EXPUNGING OF ARREST RECORDS: AB 367, (Kennick, D., Long Beach) Permits court to expunge juvenile record after five years on finding that juvenile has been rehabilitated and has not committed felony in intervening years. *Legislative History:* Passed Assembly 59-14. Passed Senate, on consent calendar. Signed by Governor.

AB 2016 (O'Connell) Requires arrest records to be returned to defendant if case decided in his favor. *Legislative History:* Sent to interim committee. Similar measure AB 2097 (Francis) not brought up.

NOTIFICATION OF ARREST: AB 2311 (O'Connell) Requires magistrate to notify parent or guardian of arrest of minor. *Legislative History:* Passed both houses on consent calendar. Signed by Governor.

WARRANTS OF ARREST: AB 2607 (O'Connell) Sets forth state policy requiring that warrant of arrest be obtained "where practical and feasible." *Legislative History:* Passed both houses unanimously. Vetoed by Governor.

BILLS RESTRICTING INDIVIDUAL RIGHTS

REGISTRATION OF NARCOTIC OFFENDERS: AB 272 (Francis, R., San Mateo) Requires person convicted of narcotics offense to register his address and other information with State Bureau of Criminal Identification and Chief of Police of each city in which he resides for 30 days or more. *Legislative History:* Referred to interim committee study by Assembly Criminal Procedure Committee by vote of 6-3. Similar measure AB 388 not brought up for hearing.

REGISTRATION OF SEX OFFENDERS: AB 1034 (Back-

strand, R., Riverside) Extends laws requiring registration of sex offenders to defendants released from "penalties and disabilities" under Penal Code Section 1203.4. *Legislative History*: Passed Assembly 51-16. Referred to interim committee study by Senate Judiciary Committee.

IMMUNITY: AB 1272 (Bruce Allen, R., San Jose) Extends law granting immunity in exchange for testimony to misdemeanor cases. *Legislative History*: Failed to pass Assembly Criminal Procedure Committee, 5-4.

SEARCH AND SEIZURE: AB 523 (Grunsky, R., Watsonville) Permits search incident to a narcotics arrest to include any "Premises or vehicle owned, leased, rented or . . . under the . . . control of the arrested person." *Legislative History*: Referred to interim study.

OBSCENITY AND CENSORSHIP

SCHOOL LIBRARIES: AB 1328 (Ernest Geddes, R.; Claremont) Provides that law prohibiting distribution of sectarian, partisan, and denominational materials in schools shall *not* restrict the development of school library collections. *Legislative History*: Passed Assembly, 53-9. Passed Senate, 28-0. Signed by Governor.

THE OBSCENITY BILL

AB 2249 (Francis, R., San Mateo) Defines obscenity as going "substantially beyond customary limits in description" of that which appeals predominantly to a shameful or morbid interest in nudity, sex, or excretion. Permits conviction where person is "in possession of facts from which he *should* reasonably know that the matter is obscene." Provides method for enjoining distribution of allegedly "obscene" matter upon filing of a complaint. *Legislative History*: Refused passage in Assembly Criminal Procedure Committee, 3-6. Withdrawal refused, 32-7. Duplicate bills (AB 2250-53) refused passage 3-6.

Assemblyman Louis Francis chaired an interim committee on pornographic literature. The Committee conducted numerous hearings, heard dozens of witnesses, and viewed hundreds of alleged pornographic pictures, books and movies. Billy Graham, subpoenaed midst a sermon at the Cow Palace, was among the many witnesses.

The final interim report stirred up a great deal of controversy among the committee members. Initially, Francis wanted to include examples of the pornographic materials collected by the interim committee in the report. This request was refused amid warnings that the report would become a "collector's item" and be sold on the black market. The report (recommending the omnibus obscenity bill) was signed by two members (Francis, Thelin) of the committee. The remaining two members (Crown, Hanna) issued dissenting statements.

THE CLASSIC DILEMMA

"Obscenity laws protect the morals of society. We believe that such protection is necessary since history shows that when the morality of a society is destroyed, the society itself is destroyed."

Subcommittee on Pornographic Literature, Report subscribed to by Assemblymen Louis Francis and Howard Thelin.

*"I respectfully feel that censoring material which is not clearly obscene invites a loss of our cherished American freedom. There is a tendency in this report to increase the power of law enforcement officers to censor; past experience would dictate that such censorship would vary considerably from community to community. *** It would seem clear that the best recourse against borderline material is good reading habits encouraged by a healthy family background."* Dissenting statement by Assemblyman Robert Crown.

Assembly Action: AB 2249 was an omnibus obscenity bill. Companion bills, AB 225-53, contained many of the provisions of AB 2249 but in separate bill form.

AB 2249 was heard before the Criminal Procedure Committee on two separate occasions, totaling some five hours. Supporting witnesses, included Thomas Lynch, a District Attorney of San Francisco, representatives of the Parent-Teachers Associations, Federation of Womens Clubs, the Catholic Church, and interested mothers.

The bill was opposed by the FCL; Henry Madden, chairman of the Intellectual Freedom Committee of the California Library Association; Dr. Leroy Merritt, chairman of the Book Selection Committee of the School Libraries Association of California; a former editor of a nudist magazine and others.

FCL's Cole Blease stated that the FCL opposed AB 2249 insofar as it went beyond the existing law. He emphasized: "There is no disagreement with supporters of this bill as to end goals. But we are concerned that the *means* used do not involve state censorship damaging to intellectual freedom." He suggested that the circulation of lists of good children's books was one positive means of encouraging the reading of good literature. Near midnight, the vote was taken. AB 2249 and the companion bills were defeated by identical votes of 3-6.

For the bills: Francis, Bane, Kilpatrick.

Opposed: Bruce Allen, O'Connell, Crown, Burton, Waldie, Petris.

Absent: Crawford.

Francis then moved to withdraw AB 2249 from committee. The motion was greeted with silence by most Assemblymen — only a few lights showed on the electric vote tabulation machine. Francis then asked for repeated roll calls (six in all) but the final count showed 32 in favor of withdrawal to 7 against. Over half the Assembly did not vote.

Although the Legislature rejected the obscenity bills, Francis, in a July report to his constituents called for an initiative to place an obscenity law on the 1960 ballot.

**"We Want to Protect You Against the Possibility
That Criminals Might Hide in Here"**



HERBLOCK in
The Washington Post



EQUAL RIGHTS GAINS

1959 was a banner year for civil rights. The long fight for a fair employment practices bill (FEPC) culminated in passage of one of the strongest measures in the country. A fair housing bill and a greatly extended civil rights statute also became law.

The reasons for success are many. The 1958 elections saw defeat of two of the five member majority (Senators Abshire and Sutton) in the Senate Labor Committee that killed FEPC measures in two preceding sessions. Four other adverse Senators either died, retired, or were defeated. By contrast, the elections brought ten new Senators, all committed to the passage of an FEPC bill.

The State Committee for a Fair Employment Practices Act (organized in 1954) did an effective job of mobilizing grass roots support. They also financed a first-rate, full-time lobbyist in the person of William Becker.

The Senate Labor Committee was revamped from a 5-2 committee opposed to fair employment practices to 5-2 in favor. The new administration made a fair employment law a number one priority, and lobbied effectively for its passage.

However, the Senate Governmental Efficiency Committee became a new graveyard for civil rights legislation. No less than five important equal rights measures were defeated in this committee, including old age benefits for aliens, anti-discrimination policy and remedies in urban renewal projects, an Indian Commission, and further remedies against discrimination by state licensees.

FAIR EMPLOYMENT PRACTICES

AB 91 (Rumford, D., Berkeley) Establishes fair employment practices commission to prevent discrimination in employment. Makes discrimination in employment, after failure at conciliation, punishable by fine or imprisonment. *Legislative History:* Passed Assembly 65-14. Passed Senate, 30-0. Senate Finance Committee amendments defeated on floor, 14-23. \$240,000 appropriated in Governor's budget for Commission and staff. Signed by Governor. No action on companion bill SB 477.

FEPC legislation has had a mercurial history. In 1943 an FEPC bill reached the Assembly floor and died there. FEP legislation has been introduced in each subsequent session. From a low point in 1951 when an FEP bill garnered only three votes in an Assembly committee, the FEP movement has gained momentum. In 1955, an FEPC bill passed the Assembly, 48-27. A 5-2 vote in the Senate Labor Committee killed the bill for that session. The same thing happened in 1957 after the FEPC bill sailed through the Assembly by a vote of 61-15. However, a parliamentary maneuver sent a watered-down FEP policy statement to the Senate floor where it was tabled 21-13.

Assembly Action: This year the Governor's opening message to the Assembly stressed FEPC as a number one item on his program. His budget included a \$240,000 appropriation for the Commission. AB 91 received the early endorsement of the Assembly and was passed by the overwhelming vote of 65-14.

Senate Action: The FEPC action in the Senate can be described as the battle of committees and amendments. It became clear early in the session that opponents would concentrate on weakening the bill. Some 200 separate amendments were proposed in the Senate. Supporters adopted the policy that only by resisting *all* amendments could the FEP movement be kept unified.

The hearings before the Senate Labor Committee were marked by great confusion. The committee chairman, Senator Montgomery, opened by asking for amendments before the bill proper had even been presented. Representatives of agricultural interests asked to have farm labor exempted entirely. After the chairman indicated he saw no need for such amendments, he suddenly offered his own amendments excluding "agricultural workers residing on the land where they are employed." This was adopted. In addition, the committee placed the FEP commissioners on a per diem wage and the commission within the Department of Industrial Relations. Then Senator Gibson offered some 18 amendments to change the entire commission procedure. Assemblyman Rumford and Franklin Williams, of the NAACP, could only oppose amendments without getting to present the bill in its entirety.

On a second hearing the Gibson amendments were rejected and the bill sent to the Senate floor by a vote of 5-2.

ASSEMBLY VOTES

	1	2	3	4	5	6	7	8	9	10
Allen, Bruce (San Jose)	R	Y	N	N	Y	N	Y	O	Y	N
Allen, Don (L.A.)	D	N	N	N	Y	Y	Y	Y	Y	Y
Backstrand (Riverside)	R	Y	N	N	Y	N	Y	Y	Y	Y
Bane (Tujunga)	D	Y	N	N	N	Y	Y	Y	Y	Y
Beaver (Redlands)	R	N	N	N	Y	N	O	Y	Y	Y
Bee (Hayward)	D	Y	Y	Y	N	Y	Y	Y	Y	Y
Belotti (Eureka)	R	Y	N	N	Y	N	N	Y	Y	N
Biddick (Stockton)	D	N	Y	Y	N	Y	Y	Y	Y	N
Bradley (San Jose)	R	Y	N	N	Y	N	N	N	Y	N
Britschgi (Redwood City)	R	Y	N	N	N	Y	Y	Y	N	N
Brown, Ralph (Modesto)	D	Y	Y	O	N	N	O	Y	Y	N
Brown, Geo. (Monterey Pk.)	D	N	Y	Y	N	Y	Y	Y	N	Y
Burke (San Marino)	R	Y	N	N	Y	N	N	N	Y	N
Burton (S.F.)	D	N	Y	Y	N	Y	Y	Y	N	Y
Busterud (S.F.)	R	Y	N	N	N	N	Y	Y	Y	Y
Cameron (Whittier)	D	N	Y	Y	N	Y	Y	Y	N	Y
Chapel (Palos Verdes)	R	Y	N	Y	Y	N	N	N	Y	N
Collier (L.A.)	R	Y	N	N	Y	N	N	N	O	Y
Conrad (Sherman Oaks)	R	Y	N	N	Y	N	N	N	N	Y
Coolidge (Felton)	R	Y	N	N	Y	N	O	Y	O	Y
Crawford (San Diego)	R	Y	N	N	Y	N	Y	O	Y	Y
Crown (Alameda)	D	N	Y	Y	N	Y	Y	Y	N	Y
Cunningham (Ventura)	D	O	N	Y	N	Y	O	Y	Y	Y
Cusanovich (Van Nuys)	R	Y	N	N	Y	N	N	N	Y	N
Dahl (Oakland)	R	Y	N	N	Y	N	N	O	O	Y
Davis (Portola)	D	Y	N	N	N	N	Y	O	O	Y
DeLotto (Fresno)	D	N	Y	Y	N	Y	Y	Y	N	Y
Dills (Gardena)	D	O	N	N	Y	N	Y	O	Y	Y
Donahoe (Bakersfield)	D	Y	Y	N	N	Y	Y	O	O	Y
Elliott (L.A.)	D	N	Y	Y	N	Y	Y	Y	N	Y
Francis (San Mateo)	R	Y	N	N	Y	Y	N	O	Y	N
Frew (Dinuba)	D	N	Y	Y	N	N	O	O	Y	Y
Gaffney (S.F.)	D	Y	N	Y	N	Y	Y	Y	Y	Y
Garrigus (Reedley)	D	N	Y	Y	Y	Y	Y	Y	N	Y
Geddes, Ernest (Claremont)	R	Y	N	Y	Y	N	N	Y	N	Y
Geddes, Samuel (Napa)	D	N	Y	Y	N	N	Y	Y	Y	Y
Grant (Long Beach)	R	Y	N	O	Y	N	N	Y	N	N
Hanna (Garden Grove)	D	N	Y	N	O	Y	O	Y	N	N
Hawkins (L.A.)	D	N	Y	Y	N	Y	Y	Y	Y	Y
Hegland (La Mesa)	D	Y	N	N	Y	N	Y	N	O	Y
Holmes (Santa Barbara)	R	Y	N	O	Y	N	N	Y	O	Y
House (Brawley)	D	Y	Y	Y	Y	N	Y	N	Y	N
Johnson (L.A.)	R	Y	N	N	Y	N	N	Y	O	O
Kennick (Long Beach)	D	N	Y	Y	N	Y	Y	Y	Y	Y
Kilpatrick (Lynwood)	D	N	Y	Y	Y	Y	Y	Y	Y	Y
Lanferman (La Canada)	R	Y	N	O	Y	N	N	N	Y	N
Levering (L.A.)	R	Y	N	N	Y	N	N	N	Y	N
Lowrey (Rumsey)	D	Y	N	N	Y	N	O	N	O	Y
Luckel (San Diego)	R	Y	N	N	Y	N	N	N	Y	N
Lunardi (Roseville)	D	Y	Y	Y	N	N	Y	Y	Y	N
MacBride (Sacramento)	D	N	Y	N	O	N	Y	Y	Y	Y
Marks (S.F.)	R	Y	N	Y	N	N	Y	Y	Y	Y
Masterson (Richmond)	D	N	Y	Y	Y	Y	Y	Y	N	Y
McCollister (San Rafael)	R	Y	N	N	O	N	O	Y	O	N
McMillan (L.A.)	D	N	Y	Y	N	Y	Y	Y	N	Y
Meyers (S.F.)	D	N	Y	Y	N	Y	Y	Y	Y	Y
Miller (San Fernando)	D	N	Y	Y	N	Y	Y	Y	N	Y
Mulford (Berkeley)	R	Y	N	N	Y	N	Y	O	Y	N
Munnell (Montebello)	D	N	Y	Y	N	O	Y	Y	N	Y
Nisbet (Upland)	R	Y	Y	Y	N	N	Y	Y	Y	Y
O'Connell (S.F.)	D	N	Y	Y	N	Y	Y	Y	N	Y
Pattee (Salinas)	R	Y	N	N	Y	N	N	Y	O	Y
Petris (Oakland)	D	N	Y	Y	N	Y	Y	Y	N	Y
Porter (Compton)	D	Y	Y	Y	N	N	Y	Y	Y	Y
Reagan (Pasadena)	R	Y	N	N	Y	O	N	N	O	Y
Rees (L.A.)	D	N	Y	Y	N	Y	Y	Y	N	N
Rumford (Berkeley)	D	Y	Y	N	N	Y	O	Y	Y	Y
Schrade (El Cajon)	R	Y	N	N	Y	N	Y	N	Y	N
Sedgwick (Oroville)	R	Y	N	N	Y	N	O	Y	O	N
Shell (L.A.)	R	Y	N	N	Y	N	N	N	N	Y
Sumner (Newport Beach)	R	Y	N	Y	N	Y	N	Y	N	N
Thelin (Glendale)	R	Y	N	N	Y	N	N	N	Y	Y
Thomas (San Pedro)	D	N	Y	Y	N	Y	O	Y	Y	Y
Unruh (L.A.)	D	N	Y	Y	N	Y	Y	Y	N	Y
Waldie (Antioch)	D	N	Y	Y	N	Y	Y	Y	N	Y
Williamson (Bakersfield)	D	Y	Y	Y	N	Y	Y	Y	Y	Y
Willson (Huntington Park)	D	O	Y	Y	N	Y	O	Y	N	Y
Wilson (L.A.)	D	Y	Y	Y	N	N	Y	Y	Y	Y
Winton (Merced)	D	N	Y	Y	N	Y	Y	Y	Y	N
Z'berg (Sacramento)	D	N	Y	Y	N	N	Y	Y	N	Y

KEY TO ASSEMBLY VOTES

- AB 1766 substitutes (for most employees) oath to support constitution for oath of non-disloyalty required of all public employees. See page 7. Defeated, 47-30, on motion to send back to committee. A "Yes" vote generally opposes bill. Yes: D-15, R-32; No: D-9, R-27.
- AB 215 deletes oath of non-disloyalty (held unconstitutional) required for tax exemption. See page 5. Defeated, 39-41. Vote on passage Yes: D-39, R-0; No: D-8, R-33.
- AB 2712 eliminates vagrancy as a crime of status—rewrites vague standards. Concurrence in Senate amendments granted 40-36. See page 12. A "Yes" vote favors bill. Yes: D-36, R-4; No: D-9, R-27.
- SB 728 permits use of narcotics evidence obtained in violation of constitution. Vote on motion to withdraw from committee. A "Yes" vote generally favors bill. See page 9. Defeated, 36-41. Yes: D-8, R-28; No: D-37, R-4.
- AB 221 suspends death penalty for eight years. Defeated 35-43. Vote on passage. Yes: D-32, R-3; No: D-14, R-29. See page 26.
- AJR 22 commends and encourages efforts to negotiate an end to nuclear weapons tests. Passed, 44-24. See page 38. Yes: D-39, R-5; No: D-0, R-24.
- AB 91 creates fair employment practices commission to prevent discrimination in employment. Passed, 65-14. See page 19. Yes: D-45, R-20; No: D-2, R-12.
- AB 594 extends civil rights act to all "business establishments," certain schools, etc. Passed, 45-17. See page 23. Yes: D-40, R-5; No: D-2, R-15.
- AB 2727 greatly increases minimum penalties for sale of narcotics. Passed Assembly, 59-21. See page 30. Yes: D-27, R-32; No: D-20, R-1.
- AB 1223, as amended, establishes minimum wage of 90c per hour for farm workers. Passed, 44-35. See page 33. Yes: D-40, R-4; No: D-7, R-28.

SENATE VOTES

	1	2	3	4	5	6
Arnold (Susanville)	D	Y	N	Y	N	N
Beard (El Centro)	D	Y	N	Y	N	Y
Berry (Placerville)	R	N	Y	N	Y	Y
Brown (Shoshone)	D	Y	Y	Y	Y	O
Burns (Fresno)	D	Y	Y	Y	Y	N
Byrne (Chico)	R	N	Y	Y	Y	N
Cameron (Roseville)	D ¹	O	O	Y	Y	Y
Christensen (Eureka)	D	Y	N	Y	Y	N
Cobey (Merced)	D	Y	N	O	N	Y
Collier (Yreka)	R ²	Y	N	Y	N	Y
Coombs (Napa)	R	O	N	Y	N	Y
Dilworth (Hemet)	R	N	Y	O	Y	N
Dolwig (Redwood City)	R	Y	Y	Y	Y	N
Donnelly (Turlock)	D	N	Y	O	Y	N
Erhart (San Luis Obispo)	R	Y	Y	Y	Y	N
Farr (Carmel)	D	O	O	Y	N	Y
Fisher (San Diego)	D	Y	N	Y	N	Y
Gibson (Vallejo)	D	Y	Y	Y	Y	Y
Grunsky (Watsonville)	R	Y	Y	Y	Y	N
Hollister (Goleta)	D	Y	N	Y	Y	Y
Holmdahl (Oakland)	D	Y	N	Y	N	Y
Johnson (Marysville)	R	Y	Y	O	Y	O
McAteer (San Francisco)	D	Y	N	O	Y	Y
McBride (Ventura)	D	Y	N	Y	Y	N
McCarthy (San Rafael)	R	Y	Y	O	Y	O
Miller (Martinez)	D	Y	N	Y	N	Y
Montgomery (Hanford)	D	Y	N	N	Y	N
Murdy (Santa Ana)	R	O	O	N	Y	Y
O'Sullivan (Williams)	D	Y	N	O	N	Y
Rattigan (Santa Rosa)	D	Y	N	Y	N	Y
Regan (Weaverville)	D	Y	N	Y	Y	O
Richards (Los Angeles)	D	Y	N	Y	N	Y
Rodda (Sacramento)	D	Y	N	Y	N	Y
Shaw (San Bernardino)	D	Y	N	Y	O	Y
Short (Stockton)	D	Y	N	Y	Y	O
Slattery (Finley)	D	O	N	Y	N	Y
Stiern (Bakersfield)	D	Y	N	O	N	Y
Teale (West Point)	D	Y	N	Y	N	Y
Thompson (San Jose)	R	Y	Y	Y	Y	N
Williams (Porterville)	R	N	Y	N	Y	N

KEY TO SENATE VOTES

- AB 91 creates fair employment practices commission to prevent discrimination in employment. Vote on passage. Passed, 30-5. See page 19. Yes: D-24, R-6. No: D-1, R-4.
- AB 91—key vote on adoption of restrictive amendments. A "Yes" vote favors amendments. Amendments failed, 14-23. Yes: D-4, R-10; No: D-21, R-2.
- AB 594 extends civil rights act to cover "all business establishments." Passed, 27-4. See page 23. Yes: D-20, R-7; No: D-1, R-3.
- SB 728 permits use of narcotics evidence obtained in violation of constitution. Passed, 21-18. See page 9. Yes: D-10, R-11; No: D-16, R-2. (Star* indicates switched vote.)
- SB 524 repeals rule that police must confirm the tip given by an unidentified informant prior to making an arrest. Amended to include exception where proof of planted evidence is shown. Passed in amended form, 26-11. Yes: D-15, R-11; No: D-10, R-1. (Star* indicates vote switched from earlier, 19-17 vote on unamended bill.) See page 11.
- AB 2712 eliminates vagrancy as a crime of status—rewrites vague standards. Passed, 21-15. Yes: D-18, R-3; No: D-6, R-9.

- Took office April 20, 1959, after special election.
- Changed registration from R to D in mid-session.

SYMBOLS . . .

Y — Yes N — No
O — Absent or not voting.

D — Democrat
R — Republican

For the bill: Richards, Montgomery, Short, Teale, Hollister.
Opposed: Williams, Byrne.

On the floor, the bill, although carrying no appropriation, was referred to the Senate Finance Committee. There Senator Burns, Democratic majority leader, offered a series of amendments to prevent conciliation by the FEP commissioners *prior* to the filing of a formal complaint, prohibit commissioners from investigating complaints, greatly reduce the pay available to commissioners, and otherwise restrict the operations of the commission. The amendments were adopted over the protests of Rumford and Williams that they would emasculate the bill. The bill finally went to the Senate floor.

The decision was then made to mobilize opposition to the amendments. The Governor had an absent Senator flown in for the vote, in anticipation of a close fight. In the key FEP vote of the session, the Senate rejected the crippling Burns amendments, 14-23. This defeat saw the end of opposition to the bill and the final passage by a 30-5 margin.

The \$240,000 appropriated in the Governor's budget for the operations of the commission was adopted after the Senate Finance Committee sought to greatly reduce this amount. The historic signing of AB 91 by the Governor on April 16, 1959 marked the culmination of a campaign for FEPC that spanned nearly two decades.

EQUALITY IN HOUSING

AB 890 (Hawkins, D., L.A.) Prohibits discrimination in sale, rental, or use of "publicly assisted" housing. Includes subdivision housing (five or more units) financed with FHA or veterans guarantees, and multiple dwellings financed with federal assistance. Amended in Senate Judiciary Committee to exclude state veteran's loans, require that persons subject to sanctions have "knowledge" of fact of "public assistance," eliminate taxpayer's suit, and grants equitable and civil remedies (not less than \$500) to persons aggrieved. *Legislative History*: Passed Assembly, 67-9. Passed Senate 34-0. Signed by Governor.

AB 113 (Elliott, D., L.A.) Requires deeds, leases or contracts for sale or lease of any land in a redevelopment or urban renewal project to contain anti-discrimination clauses. *Legislative History*: Passed Assembly, 67-0. Killed in Senate Governmental Efficiency Committee. Anti-discrimination policy statement amended into SB 703 affecting redevelopment law. SB 703 passed both houses and signed by Governor.

AB 2800 (Hawkins) Creates State Commission on Discrimination in Housing with power to formulate policies re: discrimination in housing. *Legislative History*: Not brought up by author.

A recent report to the Council for Civic Unity of San Francisco states that 98.5% of 325,000 new houses built in the San Francisco Bay

Area from 1950 to 1958 "were offered to whites only." Almost 60% (200,000) of these homes were financed with the assistance of FHA or VA guarantees. There is evidence of a similar situation in many other areas of California.

Discrimination in the sale of housing leads to the creation of racial "ghettos," and the maintenance of effective segregation in schools. It also leads to segregation in churches, clubs, and public accommodations. It is clear that there can be no real equality of opportunity so long as housing segregation continues.

The California Committee for a Fair Employment Practices Act decided to work for an anti-discrimination housing law as a priority second only to FEPC.

AB 890 (Hawkins), patterned after the New York housing law, was drafted as an answer to the problem.

Assembly Action: Surprisingly little opposition to AB 890 developed in the Assembly, and the bill passed 67-9.

Senate Action: Problems developed after AB 890 was assigned to Senate Judiciary Committee. At the initial hearing, the bill was opposed by representatives of savings and loan and building industries. Both supporters and opponents received a thorough interrogation by committee members. As a result, the author agreed to delete provisions characterizing as "publicly assisted": religious, charitable or fraternal organizations not operated for profit; property benefiting from a state veteran's exemption; and property acquired, constructed, or maintained with state finances. Further amendments eliminated the taxpayer's suit as a remedy for violation and substituted a requirement of "knowledge" of the "publicly assisted" character of the property involved. In this form the bill cleared the committee by voice vote with no audible dissents.

On the motion of Senator Burns, the bill was then sent to the Senate Finance Committee. To clear that committee, the author again amended the bill; this time to make it clear that AB 890 did not apply to state veteran's loans. In this fashion it passed the Senate by a vote of 34-0 and was signed by the Governor.

FULL AND EQUAL ACCOMMODATIONS

AB 594 (Unruh, D., L.A.) As amended in Senate, extends to all citizens, without regard to race or color, full and equal accommodations, facilities, and services "in all business establishments of every kind whatsoever." Provides minimum civil damages of \$250. *Legislative History:* Passed Assembly, 45-17. Passed Senate in amended form, 27-4. Assembly concurred in Senate amendments, 45-19.

AB 346 (Unruh, D., L.A.), AB 204 (Elliott, D., L.A.), and AB 155

(Busterud, R., S.F.), dealing with public accommodations, were superseded by AB 594 (above), and hence no action was taken.

Assembly Action: As introduced, AB 594 sought to outlaw discrimination in "all public or private groups . . . business establishments, schools" and in the purchase of real property and services of professional persons. It provided recovery in civil damages of not less than \$500. The difficulties with this all-inclusive language were emphasized in numerous meetings held by the Assembly Judiciary-Civil Committee and in four separate sets of committee amendments. The amendments eliminated private clubs and housing but still included professional services, schools, and business establishments. In this form the bill passed the Assembly 45-17 over considerable opposition.

Equal rights supporters saw this bill as a vehicle for improving the public accommodations law: it was stronger than ABs 155, 204, and 346, and the author, Assemblyman Unruh, was an effective and powerful legislator. Unruh guided the measure through considerable opposition to a 45-17 Assembly vote.

In the Senate, the bill was referred to the Senate Governmental Efficiency Committee, where all references to schools and property were eliminated. However, in its final form it covered "all business establishments of every kind whatsoever," but reduced damage to \$250. AB 594 was the only equal rights bill to survive the Senate Governmental Efficiency Committee. On the floor, the bill passed by 27-4 margin.

OTHER EQUAL RIGHTS BILLS

MISCEGENATION

AB 7, (Elliott, D., L.A.) Deletes provisions against miscegenation held unconstitutional by State Supreme Court. *Legislative History:* Passed Assembly, 50-8. Passed Senate, 24-1. Signed by Governor. Similar bill AB 26 (Elliott) not brought up.

DISCRIMINATION IN EMPLOYMENT OF AGED

AB 143 (George Brown, D., Monterey Park) Prohibits discrimination in employment on the basis of age. Requires Department of Industrial Relations to enforce law with provision for judicial and administrative remedies. Makes violation punishable by fine or imprisonment. *Legislative History:* Not brought up.

AB 1300 (Unruh, D., L.A.) Makes unlawful discrimination on basis of age. *Legislative History:* Sent to interim study.

SB 723 (Holmdahl, D., Alameda) Extends jurisdiction of Fair Employment Practices law to discrimination on basis of age. *Legislative History:* Sent to interim study.

REMEDIES FOR DISCRIMINATION

AB 2612 (Burton, D., S.F.) Permits proper state agency to suspend

or revoke license of *any* state licensee persisting in discrimination. *Legislative History*: Passed Assembly, 52-16. Killed in Senate Governmental Efficiency Committee.

AB 756 (Burton) Similar to AB 2612 but applies only to liquor licensees. *Legislative History*: Passed Assembly, 48-12. Killed in Senate Governmental Efficiency Committee.

AB 444 (Burton) Similar to AB 2612, but applies only to real estate broker licensees. *Legislative History*: Referred to interim study.

DISCRIMINATION IN EMPLOYMENT ON BASIS OF SEX

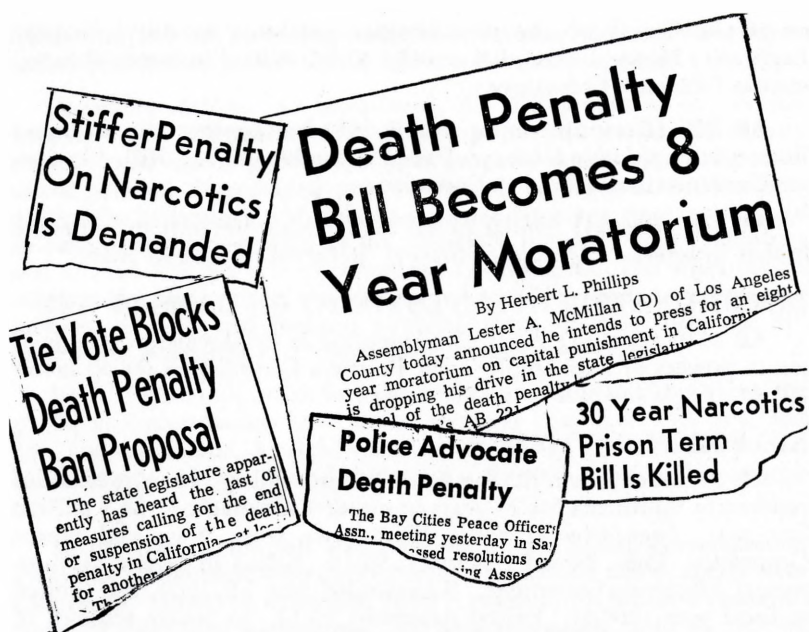
AB 2510 (Burton) Adds discrimination in employment on basis of sex to powers of Fair Employment Practices Commission set up under AB 91. *Legislative History*: No action.

AID FOR NON-CITIZENS

AB 1 (Bruce Allen, R., San Jose) Extends old age benefits to aliens resident in California for 25 years or more. Estimated cost \$4.7 million first year. *Legislative History*: Withdrawn from Ways and Means Committee, 43-8. Passed Assembly, 54-19. Killed in Senate Governmental Efficiency Committee. Re-amended into SB 1069, but limited to fiscal year 1960-61. Passed Assembly, 59-12. In Senate referred to Rules Committee for interim study, thus killing the bill.

AB 2589 (Mulford, R., Berkeley) Permits foreign students to work as assistants at a state college or university. *Legislative History*: Passed Assembly, 62-0. Passed Senate, 32-0. Signed by Governor.

AB 749 (Hanna, D., Garden Grove) Appropriates \$90,000 for home studies in connection with adoption of foreign-born children. *Legislative History*: Passed Assembly, 54-1. Passed Senate, 40-0. Signed by Governor. Companion bill, SB 1343 (Regan) saw no action.



THE TREATMENT OF OFFENDERS

"Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."

MATHEW 25:40.

"Some day we will look back on our present system of dealing with criminals with the same horror as we now do the Spanish Inquisition."

JUSTICE CURTIS BOK, *Star Wormwood*.

ABOLITION OF CAPITAL PUNISHMENT

AB 221 (McMillan, D., L.A.) As introduced, abolished death penalty in California. Substituted life with possibility of parole after ten years. Amended to suspend death penalty for eight years. *Legislative History*: Defeated on Assembly floor, 35-43. Reconsideration refused, 26-40.

SB 50, (Farr, D., Carmel) As introduced, identical to AB 221. Amended to eight year moratorium with exceptions for certain crimes. Alternative punishment — life without possibility of parole. *Legislative Action*: Defeated in Senate Judiciary Committee on tie vote, 6-6.

AB 2783 (George Brown, Monterey Park) Specifies that death

penalty in first degree murder cases shall be imposed only where the court or jury concludes that "there is no hope for rehabilitation." *Legislative Action*: Not brought up.

SB 193 (McCarthy, R., San Rafael) Provides alternative punishment of life without possibility of parole in lieu of mandatory death penalty in cases of assault with a deadly weapon by state prison inmate undergoing technical life sentence where victim does not die within a year and a day. *Legislative History*: Passed Senate, 29-0. Passed Assembly, 70-1. Signed by Governor.

AB 1850 (O'Connell, D., S.F.) Extends death penalty execution date after court order from 30-60 to 60-90 days. *Legislative History*: Passed Assembly, 66-1. Passed Senate, 27-0. Vetoed by Governor.

Attempts to abolish the death penalty in California date back to the early 1930's. However, the issue lay dormant until 1953 when the FCL, through former Assemblyman George Collins Jr. of San Francisco, sponsored both abolition and moratorium bills. These were quickly tabled in Committee. In 1955, Assemblyman Lester McMillan tried again. Both of his bills failed to clear the Assembly Judiciary Committee, but the effort resulted in an interim study which recommended that the death penalty be either abolished or suspended. Copies of the report are available from FCL offices.

In 1957 the FCL and many church groups, including the Northern and Southern California Councils of Churches, called for an end to the death penalty. A bill placing a six-year moratorium on the death penalty passed the Assembly Judiciary Committee. On the Assembly floor it was amended to exclude certain categories of crime, and passed 43-29, only to be defeated in a Senate Committee. In the Senate, a companion bill by Senator Farr reached the Senate floor to be defeated, 21-9.

Assembly Action: The decision was made early in the '59 session to concentrate on abolition of the death penalty. Companion bills AB 221 and SB 50 were introduced to abolish the death penalty and substitute life with possibility of parole after ten years. Significantly, AB 221 was co-authored by 27 Assemblymen. The Governor stated that, although he had personal objections to the death penalty, his administration was taking no stand — but he would sign the bill if it got to him.

AB 221 was referred to the Assembly Committee on Criminal Procedure. A poll of committee members showed eight of ten in favor of an abolition bill. It thus became clear that initial FCL efforts should concentrate on achieving a 41 vote majority on the Assembly floor.

In the meantime, the ranks of both abolitionists and those opposed to change were swelled. In Northern California, "Californians Against

Capital Punishment" was formed, chaired by San Francisco Supervisor A. J. Zirpoli. In Los Angeles, a similar committee, chaired by Robert Kingsley, Dean of U.S.C. Law School, was created. On the other hand, the Deputy District Attorneys Association banded together in a "Committee to Oppose Abolition of Capital Punishment." This committee placed spot announcements on the radio, conducted television programs and stimulated newspaper editorials supporting the death penalty.

At the hearing on AB 221 before the Assembly Criminal Procedure Committee and a capacity audience, the Attorney General, Stanley Mosk; A. J. Zirpoli, Supervisor of San Francisco County; and numerous church leaders urged abolition. It was opposed by the District Attorneys of Alameda, Sacramento, San Mateo, and Marin Counties. An 8-2 vote sent the bill to the floor with but a minor change.

At this time an Assembly poll indicated no more than 35 of the 41 votes needed. The floor debate on the bill was then delayed for several weeks while supporters worked in key Assembly districts. Still another poll showed insufficient votes. Hoping to pick up more votes, the abolition bill was then amended into an eight-year moratorium and sent to the floor for debate.

Assemblyman Lester McMillan, in presenting the bill, hit hard at the injustice of the penalty, pointing out that each year in California there are four to five hundred murders committed, but only an average of eight persons executed. "And who is most often sentenced to die," asked McMillan. "It is the poor man, the Negro, or a Mexican."

Opponents, including Charles Conrad, Thomas McBride, and Bruce Allen, recited the details of murders, attacked supporters of abolition as "theoreticians" and "college professors," and brandished photographs of murder victims. "Once you execute a man he's never going to kill anybody else," intoned Bruce Allen. "If you vote yes on this bill, you are condemning to death the men on the beach-heads of crime and imperiling the safety of the women and children of this state," cried Charles Conrad.

Richard Hanna, in supporting AB 221, read an eloquent speech made to the people of Athens in 427 B.C. rejecting the "false policy of seeking to protect society through legal terror." "You must ascend the Sinai of your conscience" and vote for this bill, pleaded Charles Garrigus, in reference to the biblical injunction "Thou Shalt Not Kill."

Despite all these efforts, the final vote saw the moratorium bill go down to defeat, 35-43. An attempt to get reconsideration also failed, 26-40.

THE FACE OF JUSTICE

"The death penalty is an evil scar on the face of justice. Capital punishment masquerades as protection for the public, sympathy for the victim, and justice for the murderer. In truth it is none of these. It is simple — vengeance!" Assemblyman Lester McMillan.

"In my visits to death row at San Quentin and to other prisons, I have been impressed with a singular fact. There is nothing to distinguish the crimes of the men on death row from those of hundreds of others receiving lesser penalties except for one fact — in almost all cases those on death row are poor and friendless." Senator Fred Farr.

Senate Action: The Assembly defeat created a psychological block to progress in the Senate. Nevertheless, Senator Farr and the FCL decided to schedule Senate Bill 50 before Senate Judiciary Committee. In the meantime, in an effort to gain support, SB 50 was greatly amended to exclude certain classes of crimes, and make the alternative penalty life without possibility of parole.

At the hearing, Senator Farr and Professor Austin MacCormick, Criminologist at the University of California, carried the burden of testimony. Richard McGee, Director of the Department of Corrections testified as to facts concerning prisons, murderers, and death row. The bill was opposed by the district attorneys of Ventura, San Mateo, and Sacramento. Roy Gustafson, District Attorney of Ventura stated that his primary reason for supporting the death penalty was retribution — that retribution is a necessary and accepted value of society.

When the vote was taken, the absence of two members favorable to SB 50 resulted in a tie vote of 6-6, thus defeating the bill and ending the abolition campaign for the 1959 session. The vote:

For SB 50: Farr, Richards, Rattigan, Fisher, Arnold, Cobey.

Opposed: Dolwig, Grunsky, Holmdahl, McAteer, O'Sullivan, Regan.

Not voting: Christensen.

Absent: Beard, Shaw.

The reasons for the defeat of abolition bills are not easy to pinpoint. Certainly, the more organized opposition by law enforcement officers, greater public opposition, and the ever-present, well-publicized murders were important factors. However, the gains made should not be minimized. The support for outright abolition was stronger than ever before.

The possibilities for 1961 can be seen in the fact that only six votes

separated success from defeat in the Assembly — probably no more than that in the Senate. The necessary and vital interim work will make the difference.

NARCOTICS TREATMENT AND PENALTIES

TREATMENT BILLS

SB 155 (Beard, D., El Centro) Authorizes Department of Corrections and Youth Authority to establish "narcotic treatment-control units . . . for . . . study, research and treatment" of persons committed to their authority. Permits parolee who is "addicted, or in imminent danger of addiction to narcotics" to be brought to treatment-control unit for no longer than 90 days — not to count as parole violation. *Legislative History*: Requested by Governor. Passed Senate, 32-0. Passed Assembly, 73-0. Signed by Governor.

AB 2276 (Cunningham, D., Ventura) Provides for Nalline (a test for addiction) demonstration programs in local communities to aid in parole and probation of addicts. Appropriates \$50,000. *Legislative History*: Passed Assembly, 76-0. Passed Senate, 40-0. Signed by Governor. Similar bill, AB 321 (Rumford, D., Berkeley) dropped by author in favor of AB 2276.

AB 1801 (Bruce Allen, R., San Jose) Separates narcotic offenses involving marijuana from all other for purposes of gathering research data, but without changing penalties. *Legislative History*: Passed Assembly, 72-0. Passed Senate, 38-0. Signed by Governor.

INCREASED PENALTIES

AB 2727 (Dills, D., L.A.) As introduced, raised *minimum* penalty for sale or gift of narcotics to a minor to ten years. Prescribed possible death penalty for sale or gift of heroin to minor. Eliminated county jail as alternative punishment for sale to adult. Amended to eliminate death penalty. *Legislative History*: Passed Assembly, 59-21. Referred to interim study. Similar bill, AB 271 (Francis) sent to interim study.

Other bills requiring vastly increased penalties including 30 year *minimum* sentences were: AB 13, included mere possession of narcotics (Luckel, R., San Diego); AB 28 (Crawford, R., San Diego) and AB 119 (Dill, D., L.A.), included sale or administering; and AB 486 (Lanterman, R., La Canada) sale to minors. *Legislative History*: All referred to interim study.

JAILS ARE NOT ENOUGH

"Most addicts are delinquently oriented persons with deeply imbedded personality inadequacies. Punishment has not proven effective in deterring addiction, and yet programs for the treatment and rehabilitation of the addict are almost not existent. There is an evident need for the establishment of pilot rehabilitation programs, study and research to determine the type of programs which may be effective in rehabilitating the addict."

Report of the Subcommittee on Narcotics and Dangerous Drugs, Assembly Interim Committee on Public Health, 1959.

The arbitrary increase in *minimum* prison terms for narcotics sellers and users is often seen as a simple solution to a vexing problem. In 1953, narcotics penalties were greatly increased — minimum penalties were raised and possible life terms were prescribed for sale and acts involving a minor — all in the name of deterrence. On the other hand, the treatment of addiction has been largely ignored. There are virtually no centers, state or private, for the care and treatment of addicts.

Part of the problem of assessing the state of narcotics traffic is one of obtaining accurate facts and figures about the extent of addiction, sale, etc. In California, for example, crimes involving marijuana (non-addicting) and the more serious drugs (e.g. heroin) are lumped together under the same code sections. (AB 1801 was passed to correct this problem — see above.) Since prison records list inmates by offense (by code section), there is no easy way of determining the relative severity of the crimes involved. Another difficulty is disclosed in a recent survey of the prison population; over half of the inmates with a history of heroin addiction had been sentenced for other crimes! Add to this the fact that there is normally no victim of a narcotics offense to report the crime. Thus, estimates of the extent of the narcotics traffic are apt to vary widely. It is almost impossible to measure the effect of an increase in penalty on the number of narcotic offenses.

Despite this void in knowledge, or perhaps because of it, the assumption persists that the "tough" approach to narcotic offenders is effective. In 1958, a new drive for higher penalties was sparked by the Elks Club of California which claimed the collection of over a million signatures calling for 30-year minimum penalties. This stimulated introduction of most of the bills to increase sentences outlined above.

These were referred to the Assembly Criminal Procedure Committee since they involved criminal penalties. There, they were assigned to a subcommittee composed of Phillip Burton, Nicholas Petris, and Bruce Allen. The subcommittee, over a period of weeks, heard testimony from the Attorney General, the Department of Corrections, and the authors,

concerning what is known about punishment and treatment of narcotics offenders. They concluded (with Allen dissenting) that there was no evidence to sustain the belief that higher penalties deter; that more knowledge is needed about the actual extent of narcotics offenses; and that the high penalty bills should go to interim study pending more evidence.

This did not satisfy Assemblyman Clayton Dills (author of AB 119) who introduced a new bill (AB 2727) and had it referred to the Assembly Public Health Committee. After removing the death penalty (on the motion of Assemblyman Byron Rumford), this committee sent the bill to the Assembly floor over objections of spokesmen for the FCL and the Department of Corrections. The bill passed overwhelmingly by a vote of 59-21. However, when the author had the bill referred to the Senate Public Health Committee; they passed it on to Senate Judiciary Committee which promptly sent the bill to interim study.

On the positive side, the Governor sponsored SB 155, to provide for a pilot treatment project dealing with prison inmates and parolees. Under this law, the Department of Corrections will set up a pilot center at Chino Institute for Men, staffed with psychiatrists and specialists on drug addiction. In addition, an intensive parole system is planned. This bill had no opposition and cleared the Assembly, 73-0, and the Senate, 32-0.

What is desperately needed is new insight into the problem of addiction. Evidence gleaned from the pilot treatment program and other studies should provide legislators with a basis for intelligent solutions.

OTHER PENAL REFORM MEASURES

RIGHT TO VOTES FOR EX-FELONS

ACA 5 (Elliott, D., L.A.) Permits an ex-felon to vote after successful completion of parole or probation. Will be on 1960 ballot. *Legislative History*: Passed Assembly, 54-26. Passed Senate, 28-0.

EDUCATION OF PRISONERS IN COUNTY JAILS

AB 248 (Ernest Geddes, R., Claremont) Provides funds to school districts establishing classes in county jails for inmates of more than three months. Program to be approved and standards set by State Board of Education. *Legislative History*: Killed in Assembly Ways and Means Committee. Appropriation bill, AB 249, suffered same fate.

Field Labor Reaps Sorrow

Report Cites
Migrant Effect
On Farm Wages

NEW YORK—UPI—
port of the National S
croppers Fund said today
importation of Mexican
has so depressed
California and other
a wonder that

Wage Bill Omits
Farm Workers

GOVERNOR Brown's proposed minimum wage bill was strip
of most of its effect yesterday as the Assembly Ways
Committee voted to exempt all farm workers. Farm
which would have benefited.

Resolution Urges
National Farm
Minimum Pay

A joint resolution urging
congress to enact a national
minimum wage law for agri-
culture has been introduced in
state senate.

Bad Health, Bad Housing

AGRICULTURAL LABOR — THE FORGOTTEN MINORITY

IN THE MIDST OF PLENTY

"Most of the absences from our [summer make-up] schools were not because children did not want to come, but rather due to their being needed to help with the family income. Children from seven or eight years on picked into their parents' hamper baskets. Since beans were not netting some families more than \$3.50 a day last summer, we could not urge the youngsters to stay in our schools then and perhaps not be able to go to regular schools in the fall due to lack of money for school lunches and sturdy shoes." Bard McAllister, Director, California Farm Labor Project, American Friends Service Committee; testimony to National Advisory Committee on Farm Labor, February, 1959.

MINIMUM WAGES

AB 1223 (Hawkins, D., L.A.) As introduced, established \$1.25 minimum wage for all persons, including agricultural labor and author-

ized Industrial Welfare Commission to set wages and working conditions. Amended to 90¢ for agricultural labor and only for 90% of workers. *Legislative History*: Passed Assembly, 44-35 after further amendment deleted Industrial Welfare Commission power, 58-19. Killed in Senate Labor Committee, 4-3.

Similar bills: ABs 440, 331, and 1722 (Burton, D., S.F.) and AB 1421 (George Brown, D., Monterey Park), not brought up by authors.

SJR 19 (Farr, D., Carmel) Memorializes Congress to establish a national minimum wage for agricultural labor. *Legislative History*: Passed Senate, 28-0. Passed Assembly, 60-5.

WORKMEN'S COMPENSATION

AB 734 (Crown, D., Alameda) Extends compulsory workmen's compensation law to agricultural labor. *Legislative History*: Passed Assembly, 67-4. Passed Senate, 27-0. Signed by Governor.

UNEMPLOYMENT INSURANCE

AB 819 (Hawkins, D., L.A.) Extends unemployment insurance benefits to agricultural labor. *Legislative History*: Not brought up by author.

RELEASE OF IMPORTED LABOR INFORMATION

AB 1663 (Burton, D., S.F.) Permits Director of Employment to release information concerning foreign agricultural labor. *Legislative History*: Passed Assembly, 54-16. Killed in Senate Committee on Insurance and Financial Institutions on motion to re-refer to interim study.

AGRICULTURAL LABOR RESOURCES COMMITTEE

SB 1469 (Fisher, D., San Diego) Creates California Agricultural Labor Resources Committee representing labor, business, churches, and others, appointed by Governor with broad powers to conduct studies and other programs relating to problems of agricultural labor. *Legislative History*: Killed in Senate Governmental Efficiency Committee by re-referring to interim study.

TRANSPORTATION OF AGRICULTURAL WORKERS

AB 49 (Pattee, D., Salinas) Establishes safety standards for construction and operation of vehicles used to transport farm labor. *Legislative History*: Passed Assembly, 64-0. Passed Senate, 31-0. Signed by Governor.

MINIMUM WAGE LEGISLATION

Thousands of California farm workers are living on the edge of poverty midst one of the wealthiest agricultural areas in the world. Depressed wages, poor working conditions and seasonal work mark

agricultural labor. Yet, historically, agricultural workers have been excluded from most benefits long granted industrial workers—minimum wages, unemployment insurance, compulsory workmen's compensation insurance, and improved working conditions. Conditions have been complicated by the importation of thousands of foreign workers (mostly from Mexico). There have been numerous investigations of the farm labor problem by both the federal and state governments. But their recommendations have been largely ignored. Lastly, successful union organization has been almost nil.

California has no minimum wage for men. The State Industrial Welfare Commission can establish minimum wages and working conditions for women in farm work. However, this power has never been invoked, except for a brief period in the early 1930's. In 1958, the Commission began a series of hearings aimed at gathering sufficient information to establish a minimum wage and standards for working conditions.

Prior to 1959, farm interests were powerful enough to block any extension of social benefits to farm workers. This year this forgotten minority assumed new significance in the California Legislature.

Assembly Action: AB 1223 (Hawkins) was introduced at the request of the Governor. It established a minimum wage for all men (including agricultural labor) and gave the Industrial Welfare Commission power to set minimum wages and working conditions. In this form it cleared the Assembly Committee on Industrial Relations. Opposition by the Farm Bureau Federation, Associated Farmers, and Agricultural Council led the author (Hawkins) to offer amendments in the Assembly Ways and Means Committee reducing the minimum hourly wage for farm labor from \$1.25 to 90¢. These were adopted. Then, a surprise motion by Assemblyman Lloyd Lowrey (D., Rumsey), adopted by voice vote, deleted agricultural workers entirely!

On the Assembly floor, Hawkins was successful in restoring agricultural workers (at the 90¢ rate) by a vote of 46-30. However, the issue was so narrowly divided that Hawkins accepted a further amendment (by Williamson, D., Bakersfield) limiting the application of the 90¢ to 90% of the workers involved.

The inclusion of the Industrial Welfare Commission powers (to set wages, etc.) drew heavy fire from agricultural interests. At this point, administration forces split on strategy. Jesse Unruh (D., L.A.) offered amendments to delete the Industrial Welfare Commission provisions and proceed only with the minimum wage. Hawkins objected that this would cut the heart out of what remained of the measure. Unruh prevailed, and his amendments were adopted by a vote of 58-19.

Senate Action: In the Senate, at a jam-packed hearing before the Labor Committee, farm labor and farmer representatives presented opposing views. "This legislation was conceived in hate, born in ignor-

ance, and nurtured in emotion," declared John Zukerman, San Joaquin County farmer. Most of the farm spokesmen pictured agriculture as a sick industry which would go under if subjected to higher labor costs.

The bill was supported by: Caesar Chaves, representing Mexican farm workers in Oxnard; Ernesto Galarza of the National Agricultural Workers Union; Father Thomas McCullough of the Catholic Rural Life Conference; Rabbi Irving Hausman; and C. J. Haggerty of the AFL-CIO.

The grim prospects for success prompted Senator Richard Richards to offer an amendment increasing the 90¢ to \$1.25 for farm workers. "If we're going to murder this bill, we might as well murder a good bill," he said. A second later, the amendment was tabled. Then Senator Hollister moved to send the bill to interim committee study. After the author protested, "To my knowledge it [a minimum wage for farm workers] has been studied since 1935," the motion carried, 4-3, thus killing the bill for the session.

For the bill: Richards, Short, Teale.

Opposed: Hollister, Montgomery, Williams, Byrne.

AGRICULTURAL LABOR RESOURCES COMMISSION

In 1957, the Northern California Council of Churches sponsored a bill to establish a state-committee to study and conduct programs relating to farm labor. The bill was modeled after a recommendation of the 1951 Governor's Committee on Agricultural Labor in the San Joaquin Valley. Opposition by farm groups quickly killed the bill in the Senate Labor Committee.

In 1959, representatives of FCL and other groups formed the California Citizens' Committee for Agricultural Labor. This committee agreed to sponsor a bill establishing an agricultural labor resources commission. The bill, creating a broad-based commission, was introduced by Senator Hugo Fisher. However, the bill was referred to the Governmental Efficiency Committee and quickly killed on a motion to refer to interim study.

Since the Governor has power to establish citizens' committees, several groups have asked him to appoint a committee to carry on a continuing study of farm labor problems.

CALIFORNIA INDIANS INDIAN COMMISSION

AB 2117 (Davis, D., Portola) Establishes advisory commission, including Indian representatives, to study and work with government and

private groups on California Indian problems. *Legislative History*: Passed Assembly, 68-5. Killed in Governmental Efficiency Committee on motion to send to interim study. Companion bill, SB 1161 (Arnold, D., Susanville) not brought up. \$10,000 appropriation for commission included in budget, which passed.

WATER RIGHTS

SB 10 (Brown, D., Shoshone) Makes laws re: loss of water rights by non-use, abandonment, prescription, and lack of diligence in applicable to Indian water rights for five years following termination of federal trust status. *Legislative History*: Passed Senate, 27-0. Passed Assembly, 70-0. Signed by Governor.

SB 11 (Brown) Establishes California Indian Water Affairs Commission to determine facts re: water usage and rights applicable to trust lands prior to termination of federal trust status. *Legislative History*: Passed Senate, 25-0. Passed Assembly, 76-0. Vetoed by Governor.

CALIFORNIA INDIAN COMMISSION

In 1955, FCL joined with the California Indians' Congress to urge the formation of a state Indian commission, with strong Indian representation. This followed the dissolution in 1955 of a Governor's commission, made up of representatives of various state agencies, after meeting only twice.

Early in 1959, the newly formed California Intertribal Council, composed of representatives of many of California's reservations, met in Sacramento and adopted the idea of an Indian commission. Subsequently, Erin Forest, President of the Intertribal Council, drafted AB 2117 and secured the authorship of Assemblywoman Pauline Davis. Senator Stanley Arnold introduced a companion bill in the Senate. A central idea in the commission bill was representation on the commission (nine members) of three recognized leaders from California Indian reservations.

The bill easily cleared the Assembly Governmental Efficiency Committee, only to become stalled behind the budget bill in the Assembly Ways and Means Committee. Then the author, Mrs. Davis, secured the Governor's approval to amend the \$10,000 appropriation for the commission into the Governor's budget and send the commission bill out ahead of the budget. It easily passed the Assembly, 68-5.

In the Senate, the Governmental Efficiency Committee killed the bill by sending it to "interim study" on a voice vote.

NUCLEAR WEAPONS TESTS

AJR 22 (George Brown, D., Monterey Park) Commends and encourages efforts to negotiate an end to nuclear weapons test explosions. *Legislative History*: Passed Assembly, 44-24. Passed Senate, 25-0.

In 1957, FCL sponsored an Assembly resolution urging the President and Congress to take the lead in effecting a world-wide moratorium on nuclear weapons tests. The resolution was tabled in the Assembly Rules Committee. The following spring at the budget session, FCL again sponsored a similar resolution. This resolution reached the Assembly floor only to see debate choked off by an early motion to table. The motion carried 49-9. Only nine Assemblymen had the courage to vote against tabling.

In the fall of 1958, the President announced a one-year suspension of nuclear weapons tests while the U.S. entered negotiations with the Soviet Union on a permanent inspected ban. In entering negotiations, the U.S. adopted the policy urged in the California resolution tabled but a few months before.

Legislative Action: AJR 22 was modeled after the defeated 1958 resolution. Under the guidance of Assemblyman George Brown, it easily passed the Rules Committee and reached the Assembly floor. There, Assemblyman Jack Beaver (R., Redlands) asked the author to hold up the vote pending an answer to his telegram asking the U.S. delegate to the United Nations, Henry Cabot Lodge, whether the resolution would endanger U.S. foreign policy. The answer, received a few days later, stated that the resolution would not adversely affect U.S. policy.

The debate on the resolution assumed a partisan caste. Supporters of the resolution were attacked by Assemblyman Charles Chapel as "soft on Communism." Supporting the resolution were John O'Connell, who pointed out the similarity to his defeated 1958 resolution; William Biddick, and William Munnell. The resolution then passed, 44-24.

No such opposition developed in the Senate and after clearing the Senate Military and Veterans Committee it passed by a vote of 25-0. The California Legislature thus became the first such body to officially encourage efforts toward a test ban. The difference in the atmosphere brought about by the changed international picture and local test ban sentiment was clearly evident.

AFTERWORD

Persistence and creative social change go hand in hand. It took more than 15 years of continuous effort to establish a law for reducing job discrimination in California. It may take more time, or less, to correct the inequities of farm workers, to abolish the death penalty, or re-establish the individual freedoms so greatly eroded this past decade.

Two matters loom over the rest. A growing technical complex and "exploding" population may yet prove too great a challenge to personal freedom and representative democracy as we understand these concepts. Second, the spectre of nuclear destruction has stood at our shoulder for so long that it needs no reiteration here.

None of these problems is solved by legislation or administrative decisions alone. Individual concern and responsibility are paramount. But law and the political process from which law develops can provide a framework for development of individual and social good.

It is here that the Friends Committee on Legislation will persist, making whatever contribution we can as the way opens.

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Friends Committee on Legislation of California

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