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Race Policy

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State House  
Anti-Discrimination Program

the story  
of the  
1963

California  
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a  
report  
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all these years a nuclear test ban is so close  
to us that we may lose it because a group  
of men in Washington want to build a nation

# EQUAL RIGHTS

## FAIR HOUSING

The 1963 legislative battle over civil rights centered on the "fair housing" bill, AB 1240 (Rumford, D., Berkeley). To give an example of the difficulties a controversial bill must surmount in the legislature, we are giving the details of this battle.

While other anti-discrimination measures received relatively little notice, from its introduction on February 14 until its final passage ten minutes before the session ended on June 21, AB 1240 held the public and the legislative eye.

The 1963 fair housing bill was essentially AB 801 (Hawkins, D., LA) of the 1961 session. It had three major purposes: 1) to extend the ban on discrimination in the sale or rental of housing, which already covered "publicly assisted" housing, to all dwellings, exempting only the single home occupied by its owner; 2) to secure enforcement of the ban through the Fair Employment Practices Commission; and to forbid lending institutions, mortgage holders, real estate brokers and others to practice discrimination in housing transactions.

Since 1954 the FCL has cooperated with other equal rights groups through the California Committee for Fair Practices. At a meeting of the Fair Practices Committee in Fresno on December 8, 1962, all of the cooperating groups agreed that fair housing should have top priority in the coming legislative session. In particular, it was agreed that no legislator who voted for some other equal rights bill would therefore be excused, in the eyes of the civil rights groups at least, for not voting for fair housing.

AB 1240 was introduced on Valentine's Day as part of the Governor's program. During the next four months William Becker, secretary for the California Committee for Fair Practices, was the chief fair housing lobbyist. The FCL accepted his leadership on strategy.

In Southern California, Curt Moody, secretary of community relations for the American Friends Service Committee, was freed by the AFSC to work on his own time through the FCL for the enactment of AB 1240 into law. His eighteen months' experience in working with housing groups provided excellent preparation for his efforts in support of the fair housing bill. During the legislative session he provided leadership among the voters, and several times journeyed to Sacramento to seek approval for AB 1240 among their elected representatives.

The bill received a "do pass" recommendation on a voice vote in the Assembly Committee on Governmental Efficiency and Economy on March 27.

**A POPULAR TEST VOTE** — In the meantime the Berkeley city council had passed a "fair housing" ordinance similar to the proposed state statute. Opponents secured signatures for a referendum vote, which was set for April 2.

The Berkeley election was viewed by both proponents and opponents of AB 1240 as a test vote, indicating whether the people of California wanted legislation of this type. Campaigning by both sides was intense. The East Bay FCL group supported the ordinance from the beginning and participated vigorously in the battle against the referendum.

The ordinance lost on April 2 in an 82% turnout, by a vote of 20,323 to 22,720. The vote was close enough so that the defeat did not cast a shadow on AB 1240's chances, as had been feared. The close margin encouraged the proponents to further efforts in Sacramento.

**AMENDMENTS** — The Berkeley experience showed, however, that the criminal penalty provided in both the ordinance and AB 1240 gave the opposition an effective tool for arousing the fears of homeowners. When AB 1240 was presented before the Assembly Committee on Ways and Means late in April, the misdemeanor penalty for violation of the statute was removed. Coverage was also cut back by the exclusion of privately financed dwellings of four units or less, occupied in whole or in part by the owner as his residence.

Removal of the misdemeanor provision left a contempt of court citation as the final sanction against a stubborn violator. Judges have a wide latitude of punishments which they may inflict for contempt.

Proponents felt they still had a strong bill when, with the amendments, it finally came to the Assembly floor with a "do pass" recommendation from the Assembly Committee on Ways & Means.

On April 25, AB 1240 was approved by the Assembly by a 47-25 vote.

YES: Alquist, Bagley, Bane, Bee, Beilenson, Booth, Burton, Carrell, Casey, Crown, Danielson, Dills, Dymally, Elliott, Ferrell, Foran, Frew, Gaffney, Garigus, Gonsalves, Greene, Henson, Johnson, Kennick, Knox, Marks, McMillan, Meyers, Mills, Moreno, Pattee, Petris, Powers, Quimby, Rumford, Song, Soto, Stanton, Thomas, Unruh, Waite, Waldie, Warren, Williamson, Young, Z'berg, Zenovich.

NOES: Ashcraft, Badham, Barnes, Belotti, Britschgi, Burgener, Chapel, Collier, Cologne, Conrad, Cusanovich, Deukmejian, Donovan, Flourney, Hinckley, Holmes, Lanterman, Miliias, Monagan, Mulford, Stevens, Thelin, Veneman, Veysey, and Whetmore.

(See center page voting record for final vote on amended AB 1240, 63-9.)

Then followed AB 1240's month-long agony in the Senate Committee on Governmental Efficiency. Chairman of the committee was Senator Luther Gibson (D., Vallejo), who very probably would try to amend the bill to ineffectiveness or, failing that, to block it. Vice-chairman of the committee was Senator Hugh Burns (D., Fresno), as President Pro Tem the most powerful man in the Senate and often a foe of equal rights legislation.

Among the remaining members of the committee, as it turned out, was a majority that would stand fast for a strong fair housing bill either from personal conviction or in support of the Governor, who had given fair housing a top priority spot in his legislative program. It was not until almost the last day of the session, however, that the majority was to be permitted to have its way.

AB 1240 was heard before Governmental Efficiency on May 15. Instead of being voted on at the close of the hearing, however, the bill was taken under submission, with the decision to be announced a week later.

The period of "no decision" stretched beyond that week to the next and the next and the next. This was a period of high level negotiations between Rumford and the Governor's office, on the one side, and Gibson and Burns on the other. The Senators insisted on weakening amendments which the proponents refused to accept. Though particulars about the negotiations were not revealed, AB 1240's proponents were heartened by the assurance that Rumford was standing firm.

The bill's supporters were not the only ones in the dark. Committee Chairman Gibson, without consulting the committee members, drew up three amended drafts, all of which would have emasculated the bill. When the committee finally did meet, Gibson presented the amended versions for a vote even though the committee had had no chance to study any of the proposals.

A majority of the committee was solid, however, in refusing to accept amendments that would wreck the bill. In the committee hearing on May 25, Senator Regan and then Senator McAteer both

objected to the cursory manner in which the amendments had been presented. Supported by Senators Arnold, Begovich and Teale, they were able to forestall Gibson's efforts. Final consideration of the bill was again postponed, until a suitable version could be drafted and studied by the whole committee.

In mid-June Governor Brown called the steering committee of the State Democratic Central Committee to Sacramento to act as a special civil rights task force. This effort, added to the citizens' individual visits to committee members, the efforts of civil rights groups, Rumford's office, and Senator Regan's insistence finally caused Gibson to agree to allow a suitable AB 1240 to come to a vote before the committee.

All during the session groups from all over the state had been sending emissaries to visit the committee members and had been encouraging their members at home to write their State Senators asking for a strong fair housing bill. According to Bill Becker, the more than 2000 letters and telegrams which came pouring into the Capital were *the* most significant factor which made the difference.

CORE members, in a protest against the Senate delay, on May 30 started a 24-hour sit-in in the Capitol rotunda mezzanine, vowing to stay there until AB 1240 was acted upon.

The quiet group sitting around the rotunda railing for three weeks did seem to serve this purpose: It was a daily reminder to all passing by that the fair housing issue had not been settled, and the resultant publicity in the press reminded the voters that the Senate was stalling.

In the meantime, daily reports of violence in racial conflicts in the South, and especially news of the use of fire hoses and police dogs against the Negro people of Birmingham, gave legislators a new sense of the urgency of AB 1240.

The struggle for the bill reached a dramatic climax on June 21, the last day of the session. With extensive amendments it was voted out of Governmental Efficiency and then was hurriedly approved in a meeting of Finance Committee members in the back of the Senate chamber early in the evening session.

The fight wasn't over yet. The session had only about four hours to go, and the Senate had before it a total of more than 400 bills. Senator Burns, as President Pro Tem, ruled that all bills would be taken up strictly in the order in which they appeared on the printed and supplementary files. This meant that AB 1240, just back from Finance, would be considered after all other bills. Senator Clark L. Bradley (R., San Jose) objected to the entire "consent calendar," thereby ensuring that all non-controversial bills, which otherwise would be passed without discussion on a single roll call, had to be presented and voted upon individually. Between them, the Burns and Bradley moves provided

almost a guarantee that the midnight deadline would arrive before AB 1240 could be voted upon. There could be no stopping of the clock; any action taken after the actual stroke of midnight would be unconstitutional.

Spectators in the Senate gallery could overhear parts of an angry conversation between Burns and Senator Regan. What they were arguing about became clear when, at 20 minutes to 11, Regan moved that AB 1240 be made a special order of business at 11. Burns' protest was cut short when Lieutenant Governor Glenn M. Anderson, as chairman, upheld a point of order by Senator Joseph A. Rattigan (D., Santa Rosa) that the motion was not debatable.

In a tense roll call vote, Regan's motion was adopted by a 20-16 tally. The vote was AYES: Arnold, Begovich, Cameron, Christensen, Cobey, Farr, Holmdahl, McAteer, Nisbet, O'Sullivan, Petersen, Quick, Rattigan, Rees, Regan, Rodda, Short, Stiern, Weingand, and Williams. NOES: Backstrand, Bradley, Burns, Collier, Dolwig, Donnelly, Geddes, Grunsky, Lagomarsino, McCarthy, Murdy, Pittman, Schrade, Sedgwick, Symons, and Way.

One-half hour later, after a masterful presentation of the bill by Senator Regan and a brief debate, AB 1240 passed the Senate. The vote was 22 to 13. (See center page.)

The measure was then rushed back to the Assembly for concurrence in the Senate amendments. This was voted, 63 to 9 (see center page for vote), only ten minutes before the midnight gavel ended the 1963 legislative session. The Assemblymen gave a standing ovation to Rumford; out in the rotunda, sit-downers joined hands and sang the CORE song, "We Shall Overcome."

While AB 1240 was making its dramatic, last-day run through the legislative reefs, budget experts were slashing away at the state's proposed expenditures to make them come within anticipated revenues. Funds (\$65,000) for enforcing the new fair housing statute were among those cut. \$75,000 was restored, however, in the supplementary budget adopted in the special tax and budget session.

While many of the new law's provisions will have to be interpreted in the courts, proponents feel they have forged a strong weapon against housing discrimination. A large part of the extension of coverage is based on the fact that the law places the Unruh Civil Rights Act under the Commission for enforcement. Thus, businesses engaging in rentals and sales of property are included in effect under the Rumford Act.

The law broadens the state's policy against discrimination not just by owners, but also by real estate salesmen and firms and by financial institutions. The definition of "housing" is expanded to include "improved or unimproved real property" intended to be used for housing. It is estimated that it covers about 70% of the housing in the state.

Enforcement is through the Fair Employment Practices Commission, expanded from five to seven members. While the Commission cannot initiate a claim, once an aggrieved party files a complaint, and if the Commission finds that indeed a violation has occurred, it may order the sale or rental of the housing accommodation to the aggrieved person, or a like accommodation if the original one is no longer available. If neither is possible, it may order the payment of \$500 damages. Commission decisions may be enforced through the courts. The State Attorney General's Office is the Commission's attorney.

Companion bills to AB 1240 were AB 1239 (Dymally, D., LA), to rename the Fair Employment Practices Commission the Human Rights Commission; AB 1201 (Ferrell, D., LA), to up the commission membership from 5 to 7, and AB 1246 (Song, D., Monterey Park), to give the commission the right to initiate complaints. All three died in the Senate. AB 1201, however, was essentially included in the final amended version of the fair housing bill.

## EDUCATION

Probably the greatest civil rights gains, next to those in housing, were made in the field of education with the enactment of SB 170 and SB 115.

The Department of Education has a commission to combat discrimination in the hiring of teachers. SB 170 (Rodda, D., Sacramento) simply extended the authority of the commission to permit assistance to school districts attempting to avoid de facto segregation. The commission would gather information on problems involving the ethnic distribution of pupils and, when invited to do so, could "assist and advise" a school district in solving such problems.

The bill was introduced on Jan. 22 as part of the Governor's program. Despite this strong backing, and despite the fact that the proposed new function of the commission was entirely permissive, SB 170 had a difficult time and did not reach final passage until the last day of the session. (See voting record.)

SB 115 (McAteer, D., SF) provides for special educational programs for children who, because of their home or neighborhood environments, are handicapped in school. Such programs have produced remarkable results with low achievers and potential dropouts in New York City's "higher horizons" program.

McAteer and his staff had worked a long time before the session in drawing up SB 115 and clearing its way for passage. It was included in the Governor's program. The result was that it passed easily, without major change, through both houses. The only hitch came on April 2