



California Newsletter



Friends Committee on Legislation of Northern California

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This is the first issue of the California Legislative Newsletter. It is patterned after the Washington Newsletter of the Friends Committee on National Legislation which for eight years has presented regular information about the doings of the National Congress.

We have long felt a need for a special means of working with legislative subjects which involve basic ethical values. We hope that the newly organized Friends Committee on Legislation of Northern California and this California Newsletter will help to assist Friends and like-minded citizens to contribute effectively toward the formation of important decisions by Congress, the State Legislature and local governing bodies.

This Newsletter deals with only one major subject because we believe it to be of over-shadowing importance at this time. Future Newsletters, however, will give wide coverage to California's legislative scene, presenting information, analysis and comment on what is going on. In addition, special issues will be published from time to time dealing in detail with important questions as they arise.

Also in this issue there is a schedule of the California appearances of Raymond Wilson, Executive of the Friends Committee on National Legislation. He has worked with Congress for eight years and has just returned from three months in Europe.

MORAL QUESTIONS AS WELL AS AN ATTITUDE TOWARD THE BASIC CONCEPTS OF GOVERNMENT AND DEMOCRACY are involved in two Constitutional Amendments which will appear on the November 4th ballot. They are Propositions 5 and 6, both avowedly designed to identify and penalize subversives by the loyalty oath method. After a great deal of study and thought the Friends Committee on Legislation joins with many other groups and individuals in urging the defeat of these two propositions.

Both propositions require a simple majority vote and make changes in the permanent Constitution of the State. Both measures deal with a subject which is surrounded by emotion.

Both propositions for the first time give each voter, instead of just members of the Legislature, the opportunity to express himself directly about test oaths and subversive control legislation. For the first time each citizen is required to decide what he thinks about loyalty oaths and then to cast his vote accordingly. He not only has to decide what he thinks of loyalty oaths for himself but he has to decide whether he wishes to make other people take them. In the past an individual who was confronted with a test oath himself reacted to this demand as he saw fit. However in this instance each voter is being asked to vote a decision which would force the need for a test oath upon others. Many voters feel that this is an ethical responsibility which cannot be taken

lightly and which calls for careful examination and thought before their votes are cast. Careful consideration shows that all possible results of the legislation are not apparent at first glance.

PROPOSITIONS 5 AND 6 WERE PLACED ON THE BALLOT BY THE STATE LEGISLATURE. Proposition 5 entitled "Subversive Persons and Groups," adds a new Section to Article XX of the Constitution. It:

provides that public office or employment shall not be held by, and no tax exemption shall be extended to, any person or organization advocating overthrow of Federal or State Government by force or unlawful means or advocating support of foreign government against United States in event of hostilities. Authorizes legislation to be drawn up by the Legislature to enforce this provision.

This proposition not only restricts certain people from public office and employment but also introduces the new concept of investigating all citizens and organizations and using the economic sanction of removal of tax exemption, raising the serious constitutional question of the denial of equal protection of law.

Proposition 6, entitled "Oaths of Office" replaces the traditional oath or affirmation which now appears in the California Constitution with a new and more complicated oath. It amends Article XX, Section 3 requiring:

each public officer and employee (except inferior officers and employees exempted by law) to take oath that he neither advocates nor is a member of any group advocating overthrow of government by force, that during preceding five years he has not been a member of such group except as indicated, that he will neither engage in such advocacy nor become a member of such group while holding office. Applies to officers and employees of State, including the University of California, and of all political subdivisions and agencies thereof.

This proposition is substantially the same as the Levering Act which became a law on October 3, 1950, but which is still under legal question because the California Supreme Court has yet to rule on the first case testing its constitutionality. This decision may or may not be rendered before the November 4 election.

The two propositions ostensibly were written to impose pains and penalties on one specific group of persons -- those who advocate overthrow of government by force and violence -- and to eliminate this group from public service. Each voter must decide whether or not there is a need for more legislation for this purpose, and whether this legislation was written to meet such a need if it exists. Finally, each voter must decide whether or not the propositions contain more dangers to the liberties he seeks to protect than benefits toward the security of the state.

AN EXAMINATION OF THE SETTING OF OUR TIMES will help many voters to study this question. Since the end of World War II the nation has witnessed an epidemic of fear. It has for the most part been a nameless fear of the unknown and the causes of the fear have been many. The threat of worldwide Communist movements, uncertainty as to our new position of world leadership, fear that our traditional economic system might not meet contemporary problems, the tempo of nationalist revolutions in many countries of the world, fear of the atomic bomb, the apprehension of another war, the possibility of another major economic depression -- all have contributed to the growth of the fear psychology. People who fear become people who hate, and hatred demands an object. Gradually the fear has been

projected against anyone whose views differ radically from our own. The result has been intolerance of experiment, change and diversity, because tolerance of these very virtues increases the fear of the unknown. The result has also been a series of repressive laws, government investigations, private and governmental searching for persons to be blamed, with the consequent destruction of civil liberties and a disastrous decline in tolerance of new or different ideas. Propositions 5 and 6 must be evaluated within this unpleasant framework for they are an intimate part of it.

In addition the past five years have been the era of the Cold War and the hot war in Korea, and the era of what has been termed "creeping oathism." On March 21, 1947, President Truman issued an Executive Order establishing a loyalty review board for the Civil Service Commission. Shortly thereafter the first test oath of the period (the non-Communist affidavit required by the Taft-Hartley Law) was questioned and upheld by a majority of the Supreme Court. Individuals tried under the Smith Act have been found guilty of conspiracy to advocate and teach the propriety of overthrow of government by force or unlawful means. The recent McCarran Act has placed severe restriction on the entry, travel and departure of any suspected Communist to or from the United States. Section 9-A of the Hatch Act is used to eliminate Communists from federal government service, and the Taft Hartley Law bars Communists from managerial positions in American labor unions. ALL OF THESE HAVE BEEN ADDED TO THE TRADITIONAL CHAPTERS OF THE U.S. CRIMINAL CODE, NO'S 24 AND 26, which have long outlawed treason, disloyalty and attempts to overthrow government by forceful means. The latest Federal legislation has been the Gwinn amendment which demands a loyalty oath as a condition of tenancy in all public housing projects.

IN ADDITION TO THIS FEDERAL LEGISLATION THERE ARE MANY STATE LAWS AIMED AT CONTROLLING SUBVERSIVES. The most famous of these are the New York Fineberg Law which makes it a felony for any Communist to teach in a New York Public school. The Maryland Ober Law and the Pennsylvania Pechan Act both prohibit Communists from running for public office and from occupying state administrative positions. The common law of every state in the union outlaws violence, revolution or other forceful attempts to interfere with constitutional procedures. Nineteen states outlaw utterances advocating sedition and twenty-six states outlaw Criminal Anarchy or Syndicalism. California Criminal Syndicalism laws make it a felony to teach, advocate, or abet crime, sabotage, or force and violence used in the attempt to change the system of industrial ownership or the system of political government.

AFTER THIS BRIEF SURVEY OF ALREADY EXISTING LOYALTY CHECKS AND LEGISLATION the question arises as to just what is intended by Propositions 5 and 6. In addition to the serious question as to the real intent of the legislation, questions are also raised by the haste with which loyalty legislation is being piled on loyalty legislation and when and where the trend will halt.

AS DEBATE ON PROPOSITIONS 5 AND 6 BECOMES HEATED SEVERAL BASIC QUESTIONS MUST BE RAISED. THE ANSWERS TO THESE QUESTIONS WILL HELP VOTERS TO ARRIVE AT THEIR DECISIONS:

Do the Propositions protect one's right to hold any opinion and to talk about it?

It is nearly everyone's belief that individuals who commit overt acts in violation of valid laws can and should be punished. However most Americans don't believe that people should be punished for having an idea and talking about it even though it may be radical and unpopular. Both propositions punish people for advocating an idea, not for committing any act.

Friends and many others share a fundamental belief in the essential worth of every individual. To add stature to that belief, to bring dignity to those who have been deprived of it by the adversities of life, can best be accomplished by the free expression of ideas, so that all points of view may be developed and a common ground discovered.

The unanimity of direction and action that comes from mutual discussion and understanding is democracy of the best kind. For that reason, if we believe a man to be in error, we labor with him to enlarge his understanding, seeking by the presentation of the truth to change his ideas. The restriction of advocacy is the prevention of mutual discussion.

Are the Propositions in keeping with basic American freedoms which have been guaranteed us by the Bill of Rights?

We cannot suppress thought and expression and preserve the freedoms guaranteed by the Bill of Rights. The greater the importance of safeguarding our community, the more imperative is the need to preserve the constitutional rights of free speech, free press, and free assembly in order to maintain the opportunity for free political discussion. Government must be responsive to the will of the people so that changes, if desired, may be obtained by peaceful means. Propositions 5 and 6 would punish expression of ideas if these ideas be radical or unpopular.

Could the Propositions be uniformly, judiciously, and reasonably administered if they become law? Do they give a clear directive to their administrators?

A careful examination of the two Propositions show up ambiguities and undefined terms which open the way to many possible interpretations. A voter will want to know what such phrases as "other unlawful means," "organizations which advocate," "overthrow," "hostilities," and "without any mental reservation," will be interpreted to mean. One of the sponsors of Proposition 5 in his argument in the voter's handbook refers to "Communists and the like."

Another proponent of the Propositions, a San Francisco attorney, speaking to the Commonwealth Club on September 31, 1952, as quoted in the San Francisco Chronicle, said that the two amendments would protect the government from

"the unsound kind of liberalism... These unsound liberals, scientists, philosophers, poets, idealists -- they're wonderful people, but they don't have the capacity to govern."

The question most voters will raise is who is to be given the responsibility for defining these terms, and can the amendments become handy weapons for the elimination of all dissenting opinion?

The average citizen may also ask what is an organization which advocates overthrow by force or other unlawful means, and how is one to determine such an organization? And are all members of such organizations necessarily believers in all of the objectives of the organizations? Is a subversive organization one that has two or three subversive persons within it? Is it one whose public position follows the so-called Communist line? Or is it one that occasionally parallels the Communist line? What and who will determine whether a given organization is in fact subversive? These become crucial questions when it is realized how membership in the wrong organization carries such sanctions. Will people stop joining all groups that deal with social improvement or unusual political ideas?

Over 100 organizations have been placed on the Attorney General's "subversive list," without being given the opportunity to cross examine their accusers or to be heard at all to defend their virtue. Propositions 5 and 6 with these and many other ambiguities and undefined terms open the way for misinterpretation and misuse. Many people believe that ambiguity opening the way to so many different interpretations is an essential part of the intent.

Will Propositions 5 and 6 result more in the intimidation of honest citizens than in the detection of subversives?

Supreme Court Justice Black in his dissenting opinion on the first test oath case which reached the Supreme Court commented with clarity on this point. He said,

"By approving the imposition of test oaths, this court has injected compromise into a field where the first amendment forbids compromise. The court assures us that today's encroachment on liberty is just a small one, that this particular statutory provision touches only a handful of persons, leaving the great majority of persons of the identified affiliations completely free of restraint. But not the least of the virtues of the first amendment is the protection of each member of the smallest and most unorthodox minority. Centuries of experience testify that laws aimed at one political or religious group, however rational in their beginnings, generate hatreds and prejudices which rapidly spread beyond control. Too often it is fear that inspires such passions, and nothing is more reckless and contagious. In the resulting hysteria, popular indignation tars with the same brush all those who have ever been associated with any member of the group under attack."

Thinking citizens have seen measures such as these two now proposed, do irreparable injury to the reputation of innocent persons. Thoughtful leaders from many parts of the United States have pointed out the seriousness of the intimidation of our citizenry. Governor Earl Warren, a short time before the recent Republican National Convention said,

"The situation is so bad that those who try to implement these platforms (The Republican platforms of 1944 and 1948)...are maligned as New Dealers or Socialists or worse. Such words as social security and civil rights now seem to be tainted."

Would Propositions 5 and 6 increase the pressures toward conformity or uniformity of thought?

A Governor of one of the largest states in the country on June 26, 1951, said,

"It would be only human for employees to play safe and shirk duties which might bring upon them resentment or criticism. Public service requires independent and courageous action on matters which affect countless private interests. We cannot afford to make public employees vulnerable to malicious charges of disloyalty. So far as employers are concerned -- heads of departments and of schools and so on -- the only safe policy would be timid employment practices which could only result in a lowering of the level of ability, independence and courage in our public agencies, schools, and colleges."

And the thoughtful voter must ask himself whether in his own experience he has seen a trend away from free exploration of new ideas. Does he know people who are afraid to keep certain books in their bookcases, who are afraid to discuss controversial subjects, who fear to talk politics at all? This is true today of people in private employ as well as in public. Do Propositions 5 and 6 attempt to protect the minds of our citizens from ideas which are too "dangerous" for them to hear, and if so do Californians wish to be thus mentally protected?

Because of the ambiguity of their wording, and their implementation during the emotionalism of this historical period both propositions could jeopardize the work of individuals and organizations which might now and at some time in the future, hold beliefs counter to those held by the authorities set up to investigate advocacy.

AND LAST OF ALL THE VOTER MUST CONSIDER WHAT HIS YES AND NO VOTES WOULD MEAN IN RELATION TO THE OVERALL POLITICAL AND LEGISLATIVE PICTURE.

This is the first time California's citizens have been asked to vote directly on loyalty legislation. Legislative bodies all over the country from Congress to the smallest city council have been voting loyalty programs. Legislators have voted for these programs thinking that they represented the wishes of the people.

A yes vote on November 4 would not only make these two provisions a permanent part of the State's Constitution. A yes vote would also be interpreted by representatives as positive approval of this kind of legislation and open the door to even more sweeping restrictions.

A no vote will cause the legislators -- in fact the entire country -- to stop and think. A no vote will encourage people everywhere to question and reevaluate such a program before we become a nation of loyalty inquisitions rather than a nation where, in the free contest of ideas, democracy can triumph.

If you wish to do something to oppose Propositions 5 and 6 we suggest:

1. Pass this Newsletter on to another.
2. Order a bundle of Newsletters for distribution among your friends in your church or other group. (3 cents each)
3. Write a letter to the editor of your paper for the public opinion column setting forth some of the arguments.
4. Invite a speaker to your group. The FCL has many available.
5. Vote and get your friends to vote November 4.

We also invite you to join the Friends Committee on Legislation to work with others to bring correct information before the public.

RAYMOND WILSON'S MEETINGS IN CALIFORNIA

- October 18 3 to 4 P.M. Palo Alto Community Center, Middlefield & Melville Rds. For FCL and FCNL members.
4 to 9 P.M. American Friends Service Committee Regional Meeting. R. Wilson speaks "AFSC Staff in Europe Views U.S. Foreign Policy"
- October 19 2 P.M. San Jose Friends Meeting House, Corner Davis and Morse Streets.
7:30 P.M. McCauley's Barn, 510 Bennet Street, Pacific Grove.
- October 20 7:30 P.M. Friends Community Church, 7600 Old Auburn Road, Citrus Heights.
- October 21 8 P.M. Central Methodist Church, San Joaquin and Miner Streets, Stockton.
- October 22 7:30 P.M. Friends Community Church, Denair.
- October 24 7 to 8 P.M. Special meeting with members of FCL and FCNL. 1830 Sutter St., S.F.
8 P.M. American Friends Service Committee U.N. Day observance. R. Wilson speaks on "The United States Congress and the United Nations"
- October 26 2 P.M. Berkeley Friends Memorial Church, Channing Way and Fulton Streets.
- October 27 7:30 P.M. Friends Community Church, corner Grant and Rowell Streets, Fresno

In the Spirit of Friends

The Committee will seek at all times to pursue these aims in a spirit of reconciliation, with both vision and practical wisdom, and in a dynamic and constructive manner.

The Committee will not press its concerns by the political pressure methods of lobbies maintained by groups working in their own narrow interest, but will work in the spirit of Friends to present our point of view to individual officials and to explore with them the problems

to be solved, endeavoring to win the assent of reasonable minds and enlist sympathies with the objectives sought. The Committee will not be concerned wholly with achieving immediate results through the passage or defeat of particular bills, but will have in mind the values which may be gained by the slower process of interpreting to people in government, over an extended period of time, the moral and spiritual approach to the problems of government and law.

THE FCNL IN WASHINGTON

The Friends Committee on National Legislation now maintains an office in Washington, D. C., to confer with government officials and representatives. It publishes a regular newsletter on Congressional and governmental happenings, and makes available special supplementary bulletins and reprints on important issues.

The Friends Committee on Legislation of Northern California will cooperate with the FCNL in bringing national concerns to the local activity level. All national material distributed in Northern California will be sent through the local office in order to speed this service.

MEMBERSHIP	\$10.00 annually
CONTRIBUTING MEMBERSHIP.....	over \$10.00 annually
GROUP MEMBERSHIP.....	\$25.00 or more annually
STUDENT MEMBERSHIP	\$5.00 annually (can be paid in two installments)

Members are encouraged to participate by attending called meetings, by presenting their individual concerns, and by sharing in other ways in the activities of the Committee.

Members will receive the following services:

- Newsletter and bulletins from Friends Committee on National Legislation
- State legislative newsletter
- Supplementary bulletins and reprints on important issues
- Notification of meetings of FCL and other meetings of interest, as well as special notice of legislative and commission hearings.
- Special notification when legislation is at crucial stage
- Use of the office as a service and information center

Group members will receive all these services and in addition:

- Special arrangements will be made for an extra quantity of newsletters
- Special information and assistance in working on particular issues of concern to the group and the FCL.

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Friends Committee on Legislation of Northern California

purpose

The Friends Committee on Legislation of Northern California is an affiliate of the Friends Committee on National Legislation. The purpose is to assist members of the Religious Society of Friends and like-minded citizens to contribute effectively toward the formation of important decisions by Congress, the State Legislature, local governing bodies, and other agencies of federal, state and local government.

The work is undertaken with the conviction that Friends have a responsibility to help in shaping wise legislation, especially in the areas of peace and human dignity. We are moved not by political allegiance to party or platform, but by religious faith which teaches that love of God and love of neighbor are inseparable.

Scope of Interest

The Friends Committee on Legislation will help focus concerned interest where the need is the most urgent. Areas of legislation which illustrate the scope of the Committee's interests include: rights of conscience; religious and civil liberties; conscription; legislation bearing upon the attainment of enduring peace and world community; matters pertaining to racial antagonism or discrimination; and matters dealing with the dignity and welfare of man, such as physical and mental health, crime and corrections, public education, conservation,

housing and urban redevelopment, and child and aged welfare.

Several issues will be selected for special emphasis each year by examining critical areas in legislative fields and weighing the need for active support or opposition. Equal emphasis will be given to national and state or local issues. Regular information service will be maintained about all issues agreed to be of importance, in addition to those which receive special attention.

The Committee Hopes To Be of Service In Several Different Ways

Information and Action

Provision of current and accurate information to interested individuals and groups to assist them in reaching judgments about issues and to help them to make an effective presentation of their concerns.

Intervisitation

Aiding Friends and others to establish friendly contact with officials and elected representatives so they may confer on matters of national, state and local policy.

National and State Representation

Support of the Friends Committee on National Legislation in Washington, D. C., and when finances permit, establishment of an office in Sacramento during legislative sessions. These offices will aid in

presenting concerns to national and state legislators and officials and will furnish up-to-date information about legislative happenings.

Community Education

Conducting a grass roots education program on national, state, and local issues through the medium of newsletters, special bulletins, meetings and personal contacts.

Local Services

Assistance to individuals and groups in developing effective methods of presenting concerns when problems arise in a locality.

Cooperation

Cooperation with like-minded organizations when interest in issues coincides, and consultation in order to prevent duplication of effort.